The City Council of the City of Raleigh met in regular session on Tuesday, May 21, 1985 at 1:00 p.m. in the Council Chamber, Room 201 of the Raleigh Municipal Building, 222 West Hargett Street, with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Reverend Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by Reverend Collins Kilburn, Director or North Carolina Council of Churches, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

***PROCLAMATION - WEEK OF THE YOUNG CHILD - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming May 20 - 26, 1985 as Week of the Young Child. Present to accept the proclamation were Sally Walton, President of the Wake Association for the education of young children and the mother of one of the children, Sandy Stallings. Ms. Walton introduced children of White Memorial Weekday School which included Jenny Wilson, Rosemary Stallings, Megan Rothney, Henry Won, Jonathan Walton and Megan Glann. Mayor Upchurch was presented with a button which stated "Children - Our Investment for the Future".

***VOLUNTEER OF THE MONTH - SHIRLEY MULLER

Mayor Upchurch presented Shirley Muller with a commendation including some of her accomplishments. Her accomplishments included raising $4,373.50 in pledges for the Crop Walk with 286 sponsors and the fact that she volunteered once a week as receptionist at the Urban Ministries Center and works with senior adults at church and other church related functions.

***PROCLAMATION - SAFE BOATING WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming the week of June 2, 1985 as Safe Boating Week. Joseph Tanner, Resource Manager, U.S. Corps of Engineers at Falls Lake was present and accepted the proclamation.

***CERTIFICATES OF APPOINTMENTS - PRESENTATIONS MADE

Mayor Upchurch explained the presentation of certificates of appointment and the following certificates were presented: Fair Housing Hearing Board - Betty O. Mangum, H. B. Pickett; Human Resources and Relations Advisory Committee - Mrs. Lucille Webb; Raleigh Housing Authority - Board of Directors - Mrs. Sheila Nader and William R. Windley, Jr.

***COMMENDATION - CARMICHAEL CRISP AND MIKE ROGERS

Mayor Upchurch read a commendation which indicated on Monday, May 13 Mr. Crisp and Mr. Rogers saved Wesley Scott Outland, age 1 and Danielle Nicole Outland, age 2. Mayor Upchurch indicated the apartment where these children live was on fire and Mr. Crisp and Mr. Rogers saved the children, ignoring the dangers. Mayor Upchurch commended them for their act of courage after which gentlemen received a standing ovation. The mother of the children indicated she thanked God for both of them and if it had not been for these two gentlemen, her children would not have made it through the fire.

***INTRODUCTION OF NEW STAFF MEMBERS - CALVIN LEGGETT AND SKIP BROWDER

City Manager Benton indicated their are two new staff members and introduced Calvin Leggett who will be the Transportation Service Engineer and Skip Browder, the New Subdivision Administrator.

CONSENT AGENDA

***CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted in one motion. If a Councillor requests a discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mrs. Block requested that the following items be pulled from the Consent Agenda: Item No. 5, Page 4, Sewer Easement Relocation - Crown Oaks, Page 6, Item No. 12, Ticket Sales - Civic Center and Item No. 14, on Page 7, Encroachment Agreement without objection these items were withdrawn from the Consent Agenda. Mr. Congleton moved that administrations recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

***PRIVILEGE LICENSE APPLICATION - THE GOLDEN DRAGON - APPROVED

This is a privilege license application for "The Golden Dragon," located at 2811 Brentwood Road. The owner, John Chung, is the individual making application. City Code Sections 2-2032 (2) and 12-2118(2) require City Council approval before a license may be issued for a dance hall, classified as a class one entertainment center.

Police and Inspections reports indicate approval.

Recommendation: That this privilege license application be approved. Consent agenda approval: Congleton/Babb - 8 ayes.

***MUNICIPAL AGREEMENT - GLENWOOD/BELTLINE INTERCHANGE PROJECT - AGREEMENT APPROVED - MAYOR AUTHORIZED TO SIGN

It is necessary for the City and State to enter into a municipal agreement covering this project. The agreement is a standard document which basically requires the City to relocate any water and sewer lines in conflict with the project. The City does not have financial obligation for the highway project.

Recommendation: That the Council approve the municipal agreement and authorize the Mayor to sign. Consent agenda approval: Congleton/Babb - 8 ayes.

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within this Municipality under Project 8.7340018, Wake County, said plans consisting of the revisions and improvements to the interchange of US 1-64 and US 70 - NC 50 - SR 1793 (Glenwood Avenue); and,

WHEREAS, said Department of Transportation and this Municipality propose to enter into an agreement for the above captioned project whereby this Municipality agrees: (1) to effect the necessary adjustment of any utilities under franchise without cost to the Department of Transportation, except that said Department will reimburse this Municipality in accordance with said Department's Municipally Owned Utility Policy; and,

WHEREAS, said Department of Transportation agrees to acquire the right of way and construct the project in accordance with the approved project plans; and,

WHEREAS, said Department of Transportation will place provisions in the construction contract to relocate and adjust Municipally owned water and sewer lines, and the Municipality will reimburse the Department in one (1) lump sum payment for this work after the completion of construction; and,

WHEREAS, the Agreement will further provide for the establishment, maintenance, and enforcement of traffic operating controls for the regulation and movement of traffic on the project upon its completion.

NOW, THEREFORE, BE IT RESOLVED that Project 8.7340018, Wake County, is hereby formally approved by the City Council of the Municipality of Raleigh and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.

***TRANSIT GRANTS - STANDARD ASSURANCES - PACKAGE APPROVED - MAYOR AUTHORIZED TO SIGN DOCUMENTS

The Federal government desires that grant recipients adopt a package of standard assurances which can be utilized for all grants. The standard group of assurances include pertinent statutes, regulations, administrative requirements, executive orders, and assurance of compliance with Title 6 of the Civil Rights Act of 1964. These requirements have been reflected in routine grant submittals in the past. A copy was in the Agenda packet.

Recommendation: That the Council approve the package of Standard Assurances and authorize the Mayor to sign the documents. Consent agenda approval: Congleton/Babb - 8 ayes.

***TRANSIT PROGRAM - SELECTION OF MARKETING CONSULTANT - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT WITH FOCUS INCORPORATED

In February, 1985, the Council authorized the Transit Authority to proceed with requests for proposals for a marketing study. Proposals have been received from the following two firms:

a. Focus, Inc.

b. Deiner and Associates

The Transit Authority recommends selection of Focus, Inc.

Recommendation: That the City Council approve the selection of Focus, Inc., and authorize Administration to negotiate a contract which will be brought back to Council for approval. Consent agenda approval: Congleton/Babb - 8 ayes.

***WATER AND SEWER EXTENSION - WESTAVIA AREA - EXTENSION APPROVED

a. Westavia Area

The developer of this area requests the extension of water and sewer utilities. The site is adjacent to Brittany Woods, in Northwest Raleigh. A map is included in the Agenda packet. The area is outside the City limits and within the City planning jurisdiction. Extension will be at the cost of the developer.

Recommendation: That the Council approve the utility extension request. Consent agenda approval: Congleton/Babb - 8 ayes.

***WATER AND SEWER EXTENSION - MEMORY LANE - RESOLUTION OF INTENT CALLING FOR PUBLIC HEARING ADOPTED - PRIVATE REIMBURSEMENT CONTRACT APPROVED

The developer of property located on the southern end of Memory Lane between Old Wake Forest Road and Falls of Neuse Road requests the extension of water and sewer utilities. This area is outside the City and within the City's planning jurisdiction. A map is included in the Agenda packet. The developer requests that the extensions be handled under the City's policy of private reimbursement contracts in which the developer gives to the City the funds to construct the lines with the provision that the City will install the lines under its standard assessment policy with payments being made to the developer of an amount equal to the assessments collected.

Recommendation: That the Council adopt a resolution of intent to consider the utility extension and approve the private reimbursement contract for the Memory Lane Project. Consent agenda approval: Congleton/Babb - 8 ayes.

***CAROLINA POWER & LIGHT EASEMENT - MILLBROOK POOL SITE - EASEMENT APPROVED

It is necessary to provide an easement to CP&L for extension of electrical service across City property to the pool site.

Recommendation: That the easement be approved for CP&L across City property to serve the pool. Consent agenda approval: Congleton/Babb - 8 ayes.

***STREET, SIDEWALK AND UTILITY IMPROVEMENTS - VAN THOMAS DRIVE EXTENSION AND NEW HOPE CHURCH ROAD - RESOLUTIONS OF INTENT ADOPTED

a. Van Thomas Drive Extension

This is a short, 200 ± foot, extension of Van Thomas Drive from a new development tract to Newton Road. The road would be 41-feet wide and include sidewalk 6-inch water line.

b. New Hope Church Road

This is the extension of New Hope Church Road from Benson Drive westward to the eastern property line of North Raleigh Properties. This would be in accordance with an agreement between the City and North Raleigh Properties to construct this road. The road would be 41- feet wide with sidewalk and a 12-inch water line.

Recommendation: That the Council adopt a resolution setting a public hearing on these projects and the associated assessment of costs to adjoining property owners. The public hearing would be set for June 18, 1985. Consent agenda approval: Congleton/Babb - 8 ayes. See Resolution 812.

A PRELIMINARY RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO MAKE STREET AND SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFORE AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require street improvements without petition under the conditions therein set out; and

WHEREAS, the City Council finds that improvements as described here in are necessary in the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provision of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

a. Installation of curbs, gutters, drains and paving fortyone feet backto-back for an extension of approximately 200 feet of Van thomas Drive from the new development tract to Newton Road, with a sidewalk on one side.

b. Installation of curbs, gutters, drains and paving forty-one feet back-to-back for an extension of New Hope Church Road from Benson Drive, westward to the eastern property line of North Raleigh Properties, according to agreement between the City and North Raleigh Properties. A sidewalk will be constructed on one side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. the cost of one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borned by the City of Raleigh).

Section 3. Sidewalk improvements shall be assessed according to property frontage and shall be assessed property on both sides of the street improved by an equal rate per foot of such frontage, except in a residential zone the Council may direct that sidewalks be constructed on one side and assessed against property abutting both sides.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains, and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 5. That the terms and manner of payment of street and sidewalk improvements assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 6. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter of the General Statutes of North Carolina.

Section 7. That a public hearing on all matters covered by this resolution shall be held on the 18th day of June, 1985, by 1:00 p.m. in the Council Chamber of the Municipal Building, Room 201, in the City of Raleigh, North Carolina or as soon thereafter as the matter can be reached.

***SIDEWALK REPAIR - WEST LANE STREET - PROCEDURES FOR REPAIR APPROVED - RESOLUTION OF INTENT ADOPTED

Property owners at the following addresses have been advised of sidewalk defects which are the responsibility of the property owners to correct. They have not made the improvements.

612 West Lane Street
614 West Lane Street
618 West Lane Street
705 West Lane Street
722 West Lane Street

Complaints have been received about defects in these locations. If the City undertakes the work, it would be charged as a lien against the property if not paid by the property owner.

Recommendation: That the Council approve proceeding with the repairs to the above noted sidewalks and authorize a public hearing to consider these improvements for the June 18, 1985 Council Meeting. Consent agenda approval: Congleton/Babb 8 ayes.

RESOLUTION NO. (1985) 813

A RESOLUTION OF INTENT TO MAKE SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND TO SET A PUBLIC HEARING

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require sidewalk improvements without petition under the conditions therein set out; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following sidewalk improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

(a) Correction of sidewalk defects at the following locations:

612 West Lane Street
614 West Lane Street
618 West Lane Street
705 West Lane Street
722 West Lane Street

Section 2. New sidewalk construction or extensions shall be assessed according to property frontage on the improvements and shall be assessed by an equal rate per foot of such frontage. If it is determined that a new sidewalk shall be constructed or extended on only one side of the street, the cost thereof may be assessed property abutting on both sides of the street by an equal rate per foot of frontage, unless there already exists a sidewalk on the other side of the street, the total cost of which was assessed abutting property. But when a sidewalk is repaired or reconstructed, the entire cost thereof shall be assessed against the property abutting the improvement.

Section 3. That the terms and manner of payment of sidewalk improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232

of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in equal annual installments, such installments to bear interest at the rate of 6% per annum on any unpaid balance. However, any assessed less than one-hundred dollars shall be paid in cash within ninety days of confirmation rather than in annual assessments.

Section 4. That the said improvements shall be done by contract after due notice and advertisement for the competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statues of North Carolina.

Section 5. That a public hearing on all matters covered by this resolution shall be held on Tuesday, September 3, 1985, in the Council Chamber, Municipal Building, Room 201, at 7:00 P.M., or as soon thereafter as the matter can be reached.

Adopted: May 21, 1985

***FINANCE DIRECTOR - Z. B. HILL REAPPOINTED

Section 6.3 of the City Charter provides that the City Council on or before June 1 on each odd year will appoint upon the recommendation of the City Manager a person to be the City Accountant and Finance Director.

Recommendation: That the City Council confirm the continued appointment of Z. B. Hill as City Accountant and Finance Director. Consent agenda approval: Congleton/Babb - 8 ayes.

***RENTAL REHAB LOAN - 516 NEW BERN AVENUE - APPROVED

A loan of $5,000 for Willie J. Burden at 516 New Bern Avenue has been submitted and approved by Administration. A copy of the loan application is in the Agenda packet.

Recommendation: That the loan be approved. Consent agenda approval Congleton/Babb - 8 ayes.

***HOUSING PROJECT ENDORSEMENT - CROSS LINK ROAD - SUPPORT APPROVED - MAYOR AUTHORIZED TO SUBMIT LETTER TO HUD

The First Cosmopolitan Baptist Church proposes to construct 25 housing units at 1515 Cross Link Road. This is to be under a Housing for Elderly HUD supported program.

Recommendation: That the Council indicate its support for the program and authorize the Mayor to send a letter indicating the City's position to HUD. Consent agenda approval: Congleton/Babb - 8 ayes.

***NASH SQUARE IMPROVEMENTS - CONTRIBUTIONS - BUDGET AMENDMENT AUTHORIZED

Each year, a group of individuals and businesses which front on Nash Square contribute funds to the City for use in enhancing the appearance of this park. This year the contribution is $1,460 from these firms. These funds have been deposited in the Parks Capital Fund.

Recommendation: That the Council approve the following budget amendment:

Revenue (Increase)		
37-1-0070-0200	Misc. Income	$1,460
Expenditure (Increase)		
37-2-3000-0178	Nash Square	$1,460

Consent agenda approval: Congleton/Babb - 8 ayes.

ORDINANCE NO. 1985 - 569

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the 1984/85 Budget Ordinance be amended as follows to allow acceptance of funds to enhance appearance of Nash Square. The funds are contributed by businesses which front on Nash Square.

INCREASE REVENUE		
37-1-0070-0200	Misc. Income	$1,460.00
INCREASE EXPENDITURE		
37-2-3000-0178	Nash Square	$1,460.00

Section 2. That the 1984/85 Budget Ordinance be amended as follows to set up appropriate budget accounts to reflect income from the State and City funding of the Yadkin Bridge project and to award contract to Columbus Contractors.

INCREASE REVENUE		
32-1-0050-0101	FHWA Yadkin Bridge	$165,000.
INCREASE EXPENDITURE		
32-2-5000-0101	"A" Yadkin Bridge	165,000.

Adopted: May 21, 1985

***ROAD RACES ON CITY STREETS - CAPITAL TRAIL RUN AND STROH'S RUN FOR LIBERTY - APPROVED WITH CONDITIONS

a. Mr. Jim Young, representing the North Carolina Road Runner's Club, requests permission from the City Council to conduct the 5K and Ten Mile Capital Trail Run on October 26, 1985, commencing at 8:30 a.m. The race starts at the Capital Square on Wilmington Street, goes down Wilmington Street to Peace Street, down Peace Street to Blount Street, down Blount Street to Mordecai Drive, down Mordecai Drive to Courtland Drive, down Courtland Drive to Chestnut Street, down Chestnut Street to Mordecai Drive, down Mordecai Drive to Sycamore Street, down Sycamore Street to Old Wake Forest Road, down Old Wake Forest Road to Chestnut Street, down Chestnut Street to Mordecai Drive, down Mordecai Drive to Blount Street, down Blount Street to Edenton Street, down Edenton Street to Hillsborough Street, out Hillsborough Street to Meredith College. They will turn around at Meredith College and come back down Hillsborough Street to Salisbury Street, down Salisbury Street to Martin Street, down Martin Street to Person Street, down Person Street to Jones Street, down Jones to Blount Street, down Blount Street to New Bern Avenue where it will end.

The Police Department has no objection to this race being conducted.

Recommendation: That this race be conducted as planned providing the sponsors furnish any necessary signs and barricades and providing they also employ thirty-five (35) off-duty officers and one supervisor for traffic control.

b. Mr. Jim Young, representing the North Carolina Road Runner's Club, requests permission from the City Council to conduct the 5 mile Stroh's Run for Liberty on Saturday, October 12, 1985, commencing at 9:00 a.m. The race starts at Arrowood Drive at Ingram Drive, to Huntleigh Drive, Green Road, Spring Forest Road to Departure Drive and return by the same route.

The Police Department has no objection to this race being conducted.

Recommendation: That this race be conducted providing the sponsors furnish necessary signs and barricades and providing they also employ two off-duty police officers for traffic control. Consent agenda approval: Congleton/Babb - 8 ayes.

***TAXICAB OWNERS'S PERMIT - TRIANGLE CAB COMPANY - APPROVED ON SECOND CONSIDERATION

Application has been received from the following to operate a taxi. The application has been checked and meets the requirements of Section 12-2053 of the City Code. The application was approved on the first reading during the May 7, 1985, Council Meeting. It would be appropriate for the Council to approve this on a second and final consideration.

Mrs. Claudia J. Hayes, Triangle Cab Company (New Individual Owner's Permit)

Consent agenda approval: Congleton/Babb - 8 ayes.

***TAXICAB - FRANCHISE RENEWAL AND NAME CHANGE - APPROVED ON SECOND CONSIDERATION

The application for franchise renewal and name change of an already established taxicab franchise was approved on the first reading during the May 7, 1985, Council Meeting. It would be appropriate for the Council to approve this on a second and final consideration.

Mr. Silas Webb, Jr., has applied to renew his franchise and to change the name of his company from Webb Limousine and Taxi Company to Hollywood Limousine.

This request is in accordance with the applicable sections of the City Code.

An investigation of the applicant was satisfactory; therefore, Administration has no objection at this time for Council approval.

Consent agenda approval: Congleton/Babb - 8 ayes.

***TAXICAB OWNERS PERMIT - APPROVED ON FIRST READING - TO BE PLACED ON JUNE 4, 1985 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the June 4, 1985, Agenda for second and final consideration.

James E. Maxwell, Hollywood Limousine Company (New Individual Owner's Permit)

Leonard N. Avery, Ebony Cab Company (New Individual Owner's Permit)

Consent agenda approval: Congleton/Babb - 8 ayes.

***PRIVILEGE LICENSE REFUND - RIBERGLASS, INCORPORATED - APPROVED

Mr. Al Gaylord, Branch Manager for Riberglass, Inc., located at 8804 Gulf Drive, has given written request for a refund for the 1984-85 privilege license year for the amount of $155.20. The reason for this request is that this business is located outside the City Limits. This request has been verified.

Recommendation: That this refund request be approved. Consent agenda approval: Congleton/Babb - 8 ayes.

***CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

a. Approval has been granted for rent-free use of Meeting Room A and the VIP Lounge at the Civic Center on Tuesday, May 14, 1985, for an eight hour Management Education Program.

b. Approval has been granted for rent-free use of Meeting Room A and the VIP Room at the Civic Center on Thursday, May 23, 1985, for the third general membership meeting of the Raleigh Economic Development Round Table.

Recommendation: Consent agenda approval: Congleton/Babb - 8 ayes.

***CIVIC CENTER - TOILET AND STORAGE ADDITION - CHANGE ORDER NO. CO771-YVAC#1 - WATCO CORPORATION APPROVED - FUNDS APPROPRIATED

a. Change order approved by City Manager.

This change order is for an addition of $957.

Reason:

(1) Extend the return ductwork from the HVAC units through the ceilings in the toilet and concession areas and add firestats to exhaust fans in storage rooms;

(2) Add thermostats to the fans that supply air to the two storage rooms.

Budget Accounts to be Amended:

From:
40-2-1510-0100 Civic Center Modify-cations $957.00

To:
40-2-1510-0106 Civic Center Additions-HVAC $957.00

b. Change Order Requiring Council Approval

This change order is for a deduction of $14,140.

Reason: (1) Deduct the allowance for the refurbishing of the existing concession area, deduct $2,500; (2) Deduct the allowance for the refurbishing of the Southwest Exhibition Area, deduct $15,000. Owner has elected to complete this work during Phase II of the project. Also, (3) furnish necessary labor and material to remove and replace architectural concrete walks, add $3,360.

Budget Accounts to be Amended:

Do not amend at this time. Additional "deduct" change order(s) anticipated. Funds are then to be allocated to new line items so work can be completed by Civic Center.

Recommendation: Consent agenda approval Congelton/Babb - eight ayes. See Ordinance No. 569TF22.

***TRANSFERS - ADMINISTRATIVE - MANAGERS ACTIONS CONCURRED WITH

Council members received in their agenda packet a list of the administrative transfer which have been authorized by the manager according to Council policy. The transfers were as follows:

FROM:	TO:	AMOUNT:
01-2-1030-0226	01-2-1030-0100	$108.32
38-2-2030-0104	38-2-2030-0205	327.96

FROM:	TO:	AMOUNT:
01-2-1040-0211	01-2-1040-0210	352.00
06-2-7050-0796	06-2-7050-0702	300.00
01-2-1040-0001	01-2-1010-0265	450.00
01-2-5020-0700	01-2-5020-0717	135.02
01-2-2000-0237		450.00
01-2-2000-0265		350.00
	01-2-2000 -0240	800.00
43-2-3090-0229	43-2-3090-0213	355.00
43-2-3100-0240	43-2-3100-0700	120.00
01-2-1230-0281	01-2-1230-0265	625.00
40-2-1510-0100	40-2-1510-0106	957.00
01-2-1110-0236	01-2-1110-0103	884.00
01-2-1080-0224	01-2-1080-0236	350.00
01-2-4020-0229	01-2-4010-0213	150.00
01-2-3010-0265	01-2-3010-0236	350.00
01-2-4110-0233	01-2-4130-0263	175.00
01-2-4130-0243		400.00
	01-2-4110-0257	100.00
	01-2-4130-0257	200.00
	01-2-4130-0231	
01-2-6000-0236	01-2-6000-0700	300.00
01-2-4040-0620	01-2-4040-0277	12.00
01-2-1020-0212	01-2-1020-0231	400.00

Recommendation: That the Council concur with the managers action on administrative transfers. Consent agenda approval Congleton/Babb - 8 ayes.

***TRANSFERS - VARIOUS DEPARTMENTS - ORDINANCE ADOPTED

The agenda outlined recommended transfers within the departments of the City Clerk, Civic Center, Community Development, Fire Department, Planning Department, Utilities Department and Real Estate Department. These were recommended for adoption. The agenda outlined accounts involved as well as the need for the transfers.

Recommendation: That the transfers as outlined be authorized. Consent agenda approval: Congleton/Babb - eight ayes.

ORDINANCE NO. (1985) 569 TF 22

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statues of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 40-201510-0100	Civic Center Modifications	$ 957.00
To 40-2-1510-0106	Civic Center Additions-HVAC	957.00
Purpose: Civic Center Change Order - Watco Corporation.		
From 01-2-1040-0001	Contingency	$ 3,065.68
To 01-2-1040-0289	City Code	3,065.68
Purpose: To provide funds to supplement account to pay for Supplement No. 14.		
From 01-2-1080-0217	Fuel for Heat	$ 10,500.00
To 01-2-1080-0219	Light & Power	10,500.00
Purpose: To provide funds for Light & Power Service for remainder of FY.		
From 01-2-1080-0224	Bldg./Maint. Repairs	$ 3,500.00
To 01-2-1080-0921	Water & Sewer Reimb.	3,500.00
Purpose: To provide funds for water & sewer service for balance of fiscal year.		
From 43-2-3050-0200	ED Planned Income Program	$ 22,000.00
To 43-2-3300-0100	Incentive Housing	22,000.00
Purpose: To fund Mark Street Duplex Project.		
From 01-2-4110-0260	Office Supplies	$ 1,000.00
From 01-2-4130-0600	Equipment Replacement	1,500.00
To 01-2-4130-0225	Buildings & Structures	2,500.00
Purpose: To provide funds for remainder of FY.		

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1220-0260	Office & Other Supplies	$ 1,000.00
To 01-2-1220-0213	Registration & Sub.	300.00
To 01-2-1220-0231	Travel	700.00

Purpose: Funds for travel and registration for conferences for staff training and development.

From 06-2-7030-0258	Chemicals	$ 61,000.00
To 06-2-7030-0100	Salaries	61,000.00

Purpose: To provide funds for remainder of FY.

From 06-2-7040-0705	Hydrants	$ 38,000.00
From 06-2-7040-0715	Materials	16,000.00
To 06-2-7040-0100	Salaries	54,000.00

Purpose: Same as above.

From 06-2-7080-0702	Water Serv. Pipe	$ 20,000.00
From 06-2-7080-0703	Meter Setters	20,000.00
From 06-2-7080-0706	Meter & Boxes	84,000.00
To 06-2-7080-0100	Salaries	124,000.00

Purpose: Funds for remainder of FY.

From 06-2-7090-0259	Barricades	$ 10,000.00
From 06-2-7090-0263	Small Tools	9,000.00
To 06-2-7090-0100	Salaries	19,000.00

Purpose: Same as above.

From 06-2-7050-0258	Chemicals	$ 10,000.00
To 06-2-7050-0230	Vehicle M&O	10,000.00

Purpose: Same as above.

From 06-2-7080-0702	Water Pipe	$ 12,000.00
To 06-2-7080-0230	Vehicle M&O	12,000.00

Purpose: Same as above.

From 06-2-7030-0258	Chemicals	$ 13,000.00
To 06-2-7030-0217	Fuel for Heat	13,000.00

Purpose: Same as above.

From 08-2-0000-0001	Council Reserve	$ 2,000.00
To 32-2-5045-0103	Spring Forest/Lynn R/W	2,000.00

Purpose: To supplement account and provide funds to acquire final parcel of r/w.

From 34-2-3805-0102	Municipal Block "B"	$ 1,064.00
To 34-2-3810-0102	Parking Deck "B"	1,064.00

Purpose: Final payment to architect-engineer for Municipal Parking Deck.

From 32-2-5000-0152	Yadkin Bridge	$ 54,359.00
To 32-2-5000-0101	"A" Yadkin Bridge	54,359.00

Purpose: City funding for Bridge Improvements.

Adopted: 5/21/85

***BID REQUEST 84-66 - REFUSE COLLECTION BODIES - BID AWARDED TO SANCO CORPORATION AND KABCO, INCORPORATED

Pursuant to advertisement as required by law bids were received and publicly opened in the office of the purchasing agent on May 13, 1985 for a 25 cubic yard rear loading body and a 30 cubic yard front loading body, with the results as follows:

25 cubic yard rear loading body

	$14,775.00
Kabco, Inc.	$14,782.42
Simpson Equipment Corporation	$16,345.00

30 cubic yard front loading body

Kabco Incoporated	$25,027.42
Simpson Equipment Corporation	$28,555.00
Suburban Sanitation	$30,233.00
Sanco Corporation	$32,895.00

Recommendation: Administration recommends approval of Sanco Corporation for the 25 cubic yard rear loading body and recommends Kabco Incorporated for the 30 cubic yard front loading body. Consent agenda approval Congleton/Babb - 8 ayes.

***BID REQUEST 84-67 - CAB AND CHASSIS - BID AWARDED TO NORTH STATE FORD TRUCK SALES

Pursuant to advertisement as required by law bids were received and publicly opened in the office of the purchasing agent on May 13, 1985 for Cab and Chassis with results as follows:

1 - 50,000 GVW Cab and Chassis

North State Ford Truck Sales	$42,790.00
Cardinal International	$43,055.77
Triple "T" Parks and Equipment	$45,500.00
2 - 56,000 GVW Cab and Chassis	
North State Ford Truck Sales	$44,499.00
Cardinal International	$45,152.03
Triple "T" Parts and Equipment	$47,685.00

Recommendation: Administration recommends the low bid of North State Ford Truck Sales. Consent agenda approval Congleton/Babb - 8 ayes.

***P. U. 1985 - 10 - DURALEIGH ROAD - RESOLUTION OF INTENT ADOPTED

P. U. 1985-10 - Duraleigh Road at the Intersection of Duraleigh Road and Pleasant Valley Road from existing manhole north 400-feet, inside the City limits.

It is recommended that approximately 400 feet of 8-inch sanitary sewer main be installed at the above location. The estimated cost of the project is $11,200. Assessment will be on a per lot basis.

Recommendation: That Council adopt a resolution of intent and schedule a public hearing for June 18, 1985. Consent agenda approval: Congleton/Babb - eight ayes.

***P. U. 1985 - 13 - INTERSECTION OF NORTH BLOUNT STREET AND CEDAR STREET - RESOLUTION

It is recommended that approximately 420 feet ± of 6-inch water main be installed beginning at the intersection of North Blount Street and Cedar Street continuing eastward in the right-of-way of the 200 Block of Cedar Street, inside the City limits. The estimated cost of the project is $6,300. Assessment will be on the front footage basis.

Recommendation: That Council adopt a resolution of intent and schedule a public hearing for June 18, 1985. Consent agenda approval: Congleton/Babb - eight ayes. See Resolution 812.

***P. U. 1985 - 14 - PLEASANT VALLEY ROAD - RESOLUTION OF INTENT ADOPTED

It is recommended that approximately 580 feet ± of 8-inch water main be installed beginning at the intersection of Pleasant Valley Road continuing North along Grove Church Road 580 feet, inside the City limits. The estimated cost of the project is $11,600. Assessment will be on the front footage basis.

Recommendation: That Council adopt resolution of intent and schedule public hearing for June 18. Consent agenda approval Congleton/Babb eight ayes.

RESOLUTION NO. 1985 - 812

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFORE AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water and sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefore; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water and sewer mains located and described as follows:

PU 1985-10 - Installation of approximately 400 feet of eight-inch sanitary sewer main in Duraleigh Road at the intersection of Duraleigh Road and Pleasant Valley Road from existing manhole north - Assessment on per lot basis.

PU 1985-13 - Installation of approximately 420 feet of six-inch water main beginning at the intersection of North Blount Street and Cedar Street, continuing eastward in the right-of-way of the 200 block of Cedar Street - Assessment on front footage basis.

PU 1985-14 - Installation of approximately 580 feet of eight-inch water main beginning at the intersection of Pleasant Valley Road, continuing north along Grove Church Road - Assessment on front footage basis.

PU 1985-15 - Installation of approximately 5,310 feet of twelve-inch water main beginning at the intersection of New Hope Church Road and Benson Drive, continuing westward to St. Albans Drive - Assessment on front footage basis.

PU 1985-16 - Installation of approximately 200 feet of six-inch water main beginning at the intersection of Newton Road and Van Thomas Drive, continuing southward 200 feet in the Van Thomas right-of-way - Assessment on front footage basis.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statues of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B. Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: See above.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 18th of June, 1985, at 1:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

***TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Agenda outlined a recommended change in the Traffic Code relating to yield sign installation at Slade Hill Road at Waybridge Drive.

Ordinances adopted by the City Council authorizing the following traffic change will become effective seven days after Council action unless otherwise indicated.

The Department of Transportation recommends that a yield sign be established at the northeast approach on Slade Hill Road at Waybridge Drive.

Recommendation: Administration recommends that the traffic change as outlined on the agenda be approved. Consent agenda approval: Congleton/Babb - eight ayes. Ordinance

ORDINANCE NO. 1985-568

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Schedule No. 3 entitled, YIELD SIGN, be amended by adding the following:

Slade Hill Road at Waybridge Drive.

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective May 28, 1985.

Adopted: May 21, 1985

Effective: May 21, 1985

****END OF CONSENT AGENDA****

***SEWER EASEMENT RELOCATION - CROWN OAKS - PUBLIC HEARING FOR EASEMENT EXCHANGE AUTHORIZED

Due to a mistake by the developer's project surveyor, the sanitary sewer easement on Crown Oaks' Lots 78 and 79 were not located as on approved plans. The sewer line has been constructed in the incorrect easement. In addition, houses have been constructed on these two lots.

Because of the hardship involved in satisfying the original requirements, it is suggested that the Council approve the existing sewer line and easement. This new location is closer to existing dwellings than normally desired. A map was included in the agenda packet.

Recommendation:

That the Council authorize a public hearing to consider the exchange.

Ms. Block indicated the way this had been built on the right-of-way easement and the relocation would not allow enough space for equipment if repairs are needed noting equipment needs 20 feet for repairs. She indicated the item on the agenda does not indicate that it should be approved subject to an indication being placed on the map that there should be an agreement holding the City harmless in case we would have to go in with equipment and damage these houses.

Mr. Benton indicated this is an unusual situation and one we do not desire. He indicated the sewer line with the two houses as they are located do extend into the normal ten foot area we would like to have on each side. He indicated one house would be 2.3 feet into the area and the and other case would be 2 feet. He indicated Administration has been working with the property owners and they agreed to make the installation: ductile iron from the manhole in the street through the property to the manhole in the existing sewer line in the back. He indicated ductile iron is not normally required but would be a measure to reduce the likelihood of damage. He indicated they are willing to enter into an agreement holding the City harmless in case of excavation.

Following discussion Mrs. Block moved that a hearing be authorized to consider this easement exchange. Her motion was seconded by Ms. Babb with a role call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION (1985) - 821 A

RESOLUTION OF INTENT TO EXCHANGE SANITARY SEWER EASEMENTS

WHEREAS, because of an error during construction, it has become necessary to relocate an existing sanitary sewer line situated in the Crown Oaks Subdivision, subject to special conditions; and

WHEREAS, in order to effectuate this relocation, the City has received a proposal to exchange the sanitary sewer easement formerly dedicated to the City for a new sanitary sewer easement as described below:

1) Present sanitary sewer easement to be conveyed back: That interest and area identified as the "EXISTING 20' SAN. SEWER ESMT & LINE TO BE ABANDONED" as shown on a map recorded in Wake County Book of Maps 1985, Page 1041, Wake Registry.

2) New sanitary sewer easement to be acquired: That interest and area identified as the "NEW 20' SAN. SEWER EASEMENT RELOCATION" as shown on the above-referenced recorded map.

WHEREAS, the value of the property interests involved is estimated to be $1,200.00, respectively, and no other consideration is proposed to be exchanged.

WHEREAS, the City Council intends to consider authorizing such an exchange of easements at its regular meeting to be held on the 2nd day of July, 1985.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Raleigh that:

1) The City Clerk shall cause to be published at least ten days prior to the 2nd day of July, 1985, a notice of the proposed exchange as required by G.S. 160A-271.

2) At its regular meeting on the 2nd day of July, 1985, the City Council intends to authorize the exchange of property as described above.

***CIVIC CENTER - TICKET SALES - AGREEMENT WITH TICKETRON APPROVED

A proposal has been developed to provide the Civic Center the opportunity to be a distribution center for the Ticketron Outlet. Ticketron is a national computerized ticketing agency which handles many regional and national events.

Under the arrangement, the City would receive $.20 per ticket or approximately $12,000 per year. A copy of the agreement is included in the agenda packet.

Recommendation: That the Council approve the agreement with Ticketron.

Mrs. Block indicated this is a proposal to provide the Civic Center with the opportunity to be a distribution center for national events such as rock concerts, etc. She indicated this would involve the City receiving 20¢ per ticket and felt this would not cover the additional employees we might have to have for this operation. Ms. Block noted she discussed this with City Manager Benton and was advised that the legislature is considering the possibility of allowing a higher fee. She indicated she would not like to approve this until the fee is higher and did not feel it is viable at 20¢ per ticket. In response to questioning Mr. Benton indicated the City

would use Ticketron's equipment with the existing staff and it would generate with 20¢ per ticket $12,000 per year and will allow adding an additional person if the volume so justified. Ms. Block indicated it would be nice to have a kiosk on the mall for this purpose. Ms. Block explained she discussed this with Mr. Benton who felt after all the remodeling is done it could be at the front of the Civic Center, but that would be sometime down the road and she felt this item may be premature.

Mrs. Block moved that this item not be approved as she did not feel it is feasible at this point. Her motion died for the lack of a second.

Ms. Babb felt this is a good idea and any problems could be ironed out. She indicated this would allow people in Raleigh to get tickets to shows in Washington and other areas and this is just one more way that we are growing and becoming more urban and urbane. She questioned if a clause could be inserted in the contract if the legislature allows a higher fee that we could increase the fee. Mr. Benton indicated there is a provision to allow termination with relatively short notice and we could institute termination proceedings subject to renegotiation if the legislature allows higher fees. Mr. Benton indicated he initially turned this down himself and the General Assembly has placed this 20¢ limit due to the antiscalping laws.

Ms. Babb moved approval of the agreement with Ticketron with a note to the manager that he get the best deal possible. Her motion was seconded by Mrs. Cates.

Mrs. Block felt this is not a proper expenditure for the citizens' tax money and indicated she would vote against the motion. Mayor Upchurch indicated he did not see this as being a liability to the City.

Following discussion a vote on the motion was taken and passed with members voting as follows: ayes - Ms. Babb, Reverend Calloway, Ms. Cates, Mr. Congleton, Mr. Keller, Mr. Walters, Mayor Upchurch; noes, Ms. Block. The Mayor ruled the motion adopted.

***ENCROACHMENT AGREEMENT - WINTON ROAD - REFERRED TO PUBLIC WORKS COMMITEE

In November, 1984, the City Council approved an encroachment agreement allowing a firm to install underground fiber optics cable and conduit on Winton Road. This firm, Southern Net, requests that this encroachment be extended to include Departure Drive between Millbrook Road and a point 500 feet south of Oak Forest Road. They also wish to have a similar encroachment in Millbrook Road between Departure and Atlantic Avenue; however, Millbrook Road is a State System Street.

The proposed encroachment would require placing the cable underground with indemnity coverage. It should also include the requirement of the firm to relocate the cable and conduit if necessitated by action of the City and to do so without cost to the City. A copy of the previous Council action was included in the Agenda packet.

Recommendation: That the Council approve an encroachment as requested and authorize the City Manager to approve such an encroachment under the above noted terms for the City streets.

Mrs. Block indicated we have only nine feet between the curb and the City right-of-way in this case and she did fore see that we are establishing a precedent. She noted there will be requests for this and other things to be put in the right-of-way if this is approved and felt there should be some fee if this is going to be approved. She did not know if this is something that would serve the public as a whole or just this particular firm. She indicated since the right-of-way is the City's and it is the City's responsibility to maintain she felt we should have a fixed schedule and felt their should be some study before the item is approved.

Following discussion Mrs. Block moved that the item be referred to the Public Works Committee to determine if this can be done. Her motion was seconded by Mrs. Cates.

Mrs. Cates indicated if they have a right to run these lines above ground. Mr. Benton indicated these lines have to be put under ground and they are agreeable to that.

Following discussion a vote on the motion was taken and unanimously passed. The Mayor ruled the motion adopted.

SPECIAL ITEMS

***1985-86 BUDGET - PRESENTED - BUDGET SESSION AND PUBLIC HEARING SCHEDULE SOCIAL AGENCY FUNDING REFERRED TO LAW AND FINANCE COMMITTEE

City Manager Benton presented the 1985-86 Budget and read the budget message in full (attached to minutes).

Mr. Benton indicated it would be appropriate to schedule a public hearing to consider the budget for June 4, 1985. Mr. Congleton moved that a public hearing to consider the budget be held June 4, 1985. His motion was seconded by Ms. Babb unanimously passed.

Mr. Walters presented council members with a proposed schedule for reviewing the budget as follows:

Budget Work Session - Thursday, May 30	2 p.m. - 4 p.m.
Budget Work Session Thursday, June 6	2:00 p.m. - 4:00 p.m.
Budget Work Session Thursday, June 20	8:30 a.m. - 10:30 a.m.
Optional Budget Work Session Monday, June 24	2:00 p.m. - 4:00 p.m.
Special Council Meeting, Thursday	2:00 p.m. (Adoption of June 27 Budget)

Mr. Walters also noted in the past the council has referred the agency appropriations to a council committee. He suggested that these items as well as social agency funding for community development programs be referred to the Law and Finance Committee with a report to be provided at a subsequent budget work session.

Following discussion Reverend Calloway moved that the schedule be approved as presented and agency appropriations and social agency funding for community development be referred to the Law and Finance Committee with a report back at a subsequent budget work session. His motion was seconded by Mrs. Cates, with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

***REZONING Z-43-85- FALLS OF NEUSE ROAD - ORDINANCE ADOPTED ON SECOND READING

The Mayor indicated Council members received a copy of Ordinance 1985-558 ZC161 which was passed on the first reading on May 7. He noted it would be appropriate to consider the ordinance on second and final reading which involved rezoning of property located on Falls of Neuse Road.

Mr. Walters moved approval of the ordinance on the second reading. His motion was seconded by Ms. Babb.

Mr. Congelton indicated all Council members heard the residents in the area requesting that the Council not allow the continuation of this zoning in this area.

Following discussion a roll call vote was taken on the motion as follows: ayes Ms. Babb, Reverend Calloway, Mr. Keller, Mayor Upchurch, Mr. Walters; noes Mrs. Block, Mrs. Cates and Mr. Congleton. The Mayor ruled the motion adopted. See Ordinance 558 ZC161.

REQUEST AND PETITIONS OF CITIZENS

***EXCESSIVE WATER BILL - 126 EAST HARGETT STREET - REFERRED TO PUBLIC WORKS COMMITTEE

Clarence Coleman, representing Hamlin Drugs had requested to appear before the Council to discuss an excessive water bill at 126 East Hargett Street. At this point Mr. Coleman was not present at the meeting. City Manager Benton reported this is a commercial activity and the bill averages $33 to $34 per month which is substantially excessive. He noted Mr. Coleman received a high bill in April of $97 which is probably what he is complaining about; however, the bill went back down in May.

Later in the meeting Mr. Coleman arrived and noted in April he received a $97.21 water bill and the highest bill he had before that was $37. Since that time he had been in touch with the Water Department and someone was sent to check the meter and he was advised the meter was correct. He indicated he had a plumber come out and the plumber noted there were no leaks. He indicated in the last week he had received another bill that is $8.93 for the same number of days of water usage. He explained he is presently requesting an adjustment in the $97 bill.

Mr. Benton indicated the extremely low May bill reflects that the high reading may have been incorrect and this shows that the lower amount would average out. He indicated if you average the April and May bill there is an average of 30 units and there had previously been 20 units. Mr. Benton explained a field representative did visit the site on May 17 and did determine there is a running toilet which could have an impact on the usage level. Mr. Coleman indicated that same toilet has been in that condition for the last several months and he still has the same running toilet and the bill has gone down.

Following brief discussion, Mr. Congleton moved that this item be referred to the Public Works Committee. His motion was seconded by Ms. Babb, unanimously passed. The Mayor ruled the motion adopted.

MATTERS SCHEDULED FOR PUBLIC HEARING

***UNSAFE BUILDING - 221 GRAND AVENUE - ORDINANCE ADOPTED EFFECTIVE JUNE 19, 1985

This was a hearing to consider adoption of an ordinance declaring the building at 221

Grand Avenue unsafe and directing that it be demolished. The property is in the name of Earl E. Seymour Estate.

Mayor Upchurch declared the hearing open.

Bonita Seymour, Box 105, Wendell, North Carolina was present and indicated her attorney was supposed to mail her the statement she was to make at this meeting however, she had not received anything as yet.

Inspections Director Owens indicated his office had received a letter from her attorney noting there is a pending sale they would like to consummate in 30 days.

Ms. Babb moved adoption of an ordinance declaring the building unsafe to become effective June 19. Her motion was seconded by Reverend Calloway, unanimously passed. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985-570

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 221 GRAND AVENUE IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 10, Chapter 6, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance, and

WHEREAS, the Building on said premises should be demolished as directed by the Director of Inspections or his designee for the reason that the same is an unsafe building as described in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Department of Inspections of the City of Raleigh be and is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Earl E. Seymour Estate	221 Grand Avenue

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Part 12, Chapter 6 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective June 19, 1985.

Effective: June 19, 1985

***UNSAFE BUILDING - 3224 HOLLY SPRINGS ROAD - RESOLUTION CONFIRMING CHARGES ADOPTED

This was a hearing to consider adoption of a resolution confirming charges in the amount of $1,624 for abating the unsafe building at 3224 Holly Springs Road, in the name of Joseph A. Smith Heirs. The charges, if confirmed, will become a lien against the land.

Mayor Upchurch declared the hearing open.

No one was present to speak thus the hearing was closed.

Ms. Block moved adoption of a resolution confirming the charges as outlined. Her motion was seconded by Ms. Babb with a roll call.vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-814

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING UNSAFE BUILDING NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160-A of the North Carolina General Statutes, and Sections 2.14(33), 2.14(51), 2.14(46) and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 10, Chapter 6, Article D of the Code of the City of Raleigh, relating to the abatement of unsafe building nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the unsafe building nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code to the City of Raleigh and more specifically Part 10, Chapter 6, Article D.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to General Statutes above referred to, and makes the same a lien against the premises as provided in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	COST OF ABATEMENT
Joseph A. Smith, Heirs	3224 Holly Springs Road ID #0065235	$1,624.00

***PUBLIC NUISANCE COST CONFIRMATION - VARIOUS LOCATIONS - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for abating public nuisances as outlined below:

409 Rucker Street - Capitol Funds Inc. - $809. No one asked to be heard.

116 North Fisher Street - Vanco and Eula P. Jones - $118. No one asked to be heard.

Mr. Walters moved adoption of a resolution confirming the charges as outlined. His motion was seconded by Reverend Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-815

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
Captiol Funds, Inc.	409 Rucker Street Lot 3, Map 465 ID #0011506	$809.00
Vanco and Eula P. Jones	116 North Fisher Street Lot 5, Block G-55, Map G-4 ID #0025250	$118.00

Section 3. That this resolution shall become effective May 21, 1985.

Adopted: May 21, 1985

***SPECIAL USE PERMIT - 112 FAYETTEVILLE STREET MALL - APPROVED

This was a hearing to consider an application for a special use permit pursuant to Section 10-2072 (e) to allow a residential development of six one bedroom condominiums on the second and third floors of the building located at 112 Fayetteville Street Mall.

Planning Director Chapman indicated sometime ago changes were made in the ordinance to allow for special use permits to be issued for residential uses for higher than ten units per acre; however, a series of requirements must be considered. He indicated what is before the Council today is a hearing on the evidence that has been submitted. In a memo presented to the Council Mr. Chapman indicated staff recommends approval of the project based on the following findings consistent with the codes development requirements:

(1) Residential density of the project is 52 units/acre. Maximum code allowance is 160 units/acre.

(2) All dwelling units are greater than 500 square feet. Project consists of 6 units, ranging in size from 504 to 652 s.f./unit.

(3) Project is exempt from open space and off street parking requirements. Ordinance exempts projects of less than eight units from these requirements.

(4) The project promotes downtown revitalization by providing for improvement of underutilized space and by providing new residential opportunities.

(5) The project protects residents of the development and surrounding properties from adverse effects.

(6) The project provides for safe pedestrian circulation.

(7) The project provides adequate light and air to the development and surrounding properties. A skylighted entry courtyard is proposed for the interior of the building, supplying increased light and air to all units.

(8) Minor changes to exterior architectural features are proposed including additional window openings; brick repairs on front facade; brick repair and/or stuccoing on side and rear facades; and a remodeled street level entrance to residences from the mall. Details are congruous with surrounding properties.

(9) Current use on the first floor, a computer and electronic equipment store, will remain and is compatible with the proposed residential use.

(10) The project meets all other applicable code requirements.

(11) The project is in conformance with the development criteria for the Downtown East/Eastside redevelopment area.

Mr. Chapman also indicated the subject application is also being routed through the subdivision approval process for condominiums (S-82-85). The Planning Commission recommendation on this subdivision is scheduled for later in todays meeting; however, the approval of the special use permit should take place prior to City Council approval of the condominium. Mr. Chapman indicated the property is owned by Tenntex and is the location of the Radio Shack on the Fayetteville Street Mall. Mr. Chapman again explained the purpose of the hearing is to determine if these requirements have been me and if the Council feels they have been met, a special use permit can be issued.

Mayor Upchurch declared the hearing open.

Pete Gillis, owner of Tenntex, was present at the meeting. Ms. Block indicated she read in the paper that this project may not be done. Mr. Gillis indicated the paper was in error noting the paper indicated they are not based in Raleigh however, they are actually based in Raleigh, North Carolina. As far as whether or not they are going through with this project, that was something he told the reporter and he was telling the reporter they cannot go through with the project if the Council does not approve this special use permit which was the only comment made to the reporter. He noted the article ended up in the paper like they may or may not go through with the project. He noted the decision on his part is made to go ahead if they can arrange financing and that is the only thing other than City approvals pending.

No one else asked to be heard thus the hearing was closed.

Mr. Walters moved approval of the special use permit. His motion was seconded by Ms. Babb, unanimously passed. The Mayor ruled the motion adopted.

REPORT OF THE PLANNING COMMISSION

***PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as a regular consent agenda. He indicated the agenda is marked to show which of the items are located in flood prone areas or within the Falls Basin. The following items were pulled from the agenda as requested: Upchurch - CR-5154(SC-244) and CR-5552(S-44-85); Reverend Calloway - CR-5533(MH-1-85); Ms. Block - CR-5553(S-69-85), CR-5560(S-80-85) and CR-5563(Z-128-84). Mr. Walters moved that the Planning Commission recommendations on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted

in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows:

SUBDIVISION S-128-84 - PANNONIA ADDITION - DENIED

This was a request for approval to subdivide a 7.97 acre tract into seven single-family lots, zoned Residential-1. The site is an extension of an existing single-family subdivision under construction.

The property is located on the northeast and southeast corners of Six Forks Road and Carpathian Way, outside the City Limits.

CR-5224 from the Planning Commission recommended that this request be denied according to a map entitled, "Pannonia Additions," the property of Pannonia Associates, drawn by Castleberry-Edgerton Company, dated July 6, 1984.

Consent agenda approval: Walters/Cates - 8 ayes.

***PLAN APPROVAL PA-27-85- KOGER CENTER SOUTH -"PAMLICO BUILDING" - APPROVED WITH CONDITIONS

This was a request for approval to construct a 78,064 square foot office building on a 9.189 acre site which is currently undeveloped and zoned Office and Institution-I.

The property is located on the west side of Jones Franklin Road and north of Interstate 40, outside the City Limits.

CR-5534 from the Planning Commission recommended that this request be approved according to a map entitled, "Koger Center South - "Pamlico Building," the property of Koger Properties, Incorporated, drawn by Wilbur Smith and Associates, Incorporated, dated January 31, 1985, with the following conditions: (1) That a detailed landscaping plan be reviewed and approved by the Staff prior to the issuance of a building permit; (2) that tapers be provided at both entrances for left-turn lanes; and (3) that any access onto Jones Franklin Road from Lots 1, 10, or 12 be subject to approval by the City's Department of Transportation.

Consent Agenda approval: Walters/Cates - 8 ayes.

***SUBDIVISION S-46-85- KOGER CENTER SOUTH - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 51.35 acre tract which is currently undeveloped and zoned Office and Institution-I into 12 lots.

The property is located on the west side of Jones Franklin Road, and on the north side of Interstate 40, inside the City Limits.

CR-5535 from the Planning Commission recommended that this request be approved according to a map entitled, "Koger Center South," the property of Koger Properties, Incorporated, drawn by Wilbur Smith and Associates, dated January 20, 1985, with the following conditions: (1) That utility connections are to be allowed only to Lot 5 for a building of 78,064 square feet as shown on PA-27-85; (2) that the remaining lots (1-4, 6-12) are not approved for utility connections at this time and that these lots be submitted for site plan approval prior to receiving approval for utility connections; (3) that, at the time of recording, a note be placed on each lot stating: "City public utilities are not approved for this lot until a site plan, pursuant to Raleigh City Code, has been approved by the City of Raleigh;" (4) that a non-profit association be set up and legal documents be reviewed and approved by the City Attorney's Office prior to recording of the final plats for maintenance of islands in the public right-of-way; (5) that tapers be provided at both entrances for left-turn lanes; and (6) that any access onto Jones Franklin Road from Lots 1, 10, or 12 be subject to approval by the City's Department of Transportation.

Consent Agenda approval: Walters/Cates - eight ayes.

***PLAN APPROVAL PA-45-85- SHERATON CRABTREE - PHASE 4 - APPROVED WITH CONDITIONS

This was a request for approval to add an addition onto the existing motel of 70 rooms, 1,100 square feet of office space, and a penthouse residence of 3,700 square feet, located on 6.38 acres, zoned Office and Institution-II.

The property is located at the Sheraton Crabtree at US 70 and Creedmoor Road, inside the City Limits.

CR-5536 from the Planning Commission recommended that this request be approved according to a map entitled, "Sheraton Crabtree - Phase 4," the property of Seby Jones, drawn by Envirotek, Incorporated, revised date May 7, 1985, with the condition that a cross-access agreement for the parking be approved by the City Attorney's Office prior to issuance of building permits.

Consent Agenda approval; Walters/Cates - eight ayes.

***PLAN APPROVAL PA-47-85-BARRETT SQUARE - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct 20 office condominium units (consisting of four buildings) on 2.41 acres which are presently undeveloped and zoned Office and Institution-I.

This property is located on the east side of Barrett Drive and bounded on the south by Big Branch and on the west by the Beltline, inside the City Limits.

CR-5537 from the Planning Commission recommended that this request be approved according to a map entitled, "Barrett Square," the property of Central Carolina Realty, Incorporated, drawn by Geoffrey McLean, dated March 11, 1985, revised April, 1985, with the condition that the 0.319 acre parcel be recombined with the Stephens Center Property, as noted on the site plan, prior to the issuance of building permits.

Consent Agenda approval: Walters/Cates - eight ayes.

***SUBDIVISION S-70-85- BARRETT SQUARE - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct 20 office condominium units (consisting of four buildings) on 2.41 acres which are presently undeveloped and zoned Office and Institution-I.

The property is located on the east side of Barrett Drive and bounded on the south by Big Branch and on the west by the Beltline, inside the City Limits.

CR-5538 from the Planning Commission recommended that this request be approved according to a map entitled, "Barrett Square," the property of Central Carolina Realty, Incorporated, drawn by Geoffrey McLean, dated March 11, 1985, revised April, 1985, with the condition that the 0.319 acre parcel be recombined with the Stephens Center Property, as noted on the site plan, prior to recording the final plats.

Consent Agenda approval: Walters/Cates - eight ayes.

***PLAN APPROVAL PA-48-85- CP&L DATA CENTER - APPROVED WITH CONDITIONS

This was a request for approval to construct a 41,500 square foot building on 6.2 acres which are currently undeveloped and zoned Office and Institution-II. The site also shows an area reserved for Western Boulevard Extension - a slope easement. The far eastern portion of the lot is City right-of-way for Western Boulevard Extension.

The property is located at the end of Kindley Street, and north of the proposed Western Boulevard Extension, in the Southside Urban Renewal Area, inside the City Limits.

CR-5539 from the Planning Commission recommended that this request be approved according to a map entitled, "CP&L Data Center," the property of Carolina Power and Light Company, drawn by Olsen Associates, Incorporated, dated April 22, 1985, with the following conditions: (1) That Kindley Street is closed and relocated according to the site plans, including the recording of a map of the additional right-of-way for the relocated Kindley Street prior to issuance of any building permits; and (2) that the City Council, pursuant to Section 10-2061(k)(4), grant a variance of 39 off-street parking spaces.

Consent Agenda approval: Walters/Cates - eight ayes.

***PLAN APPROVAL PA-49-85- SNOW PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to convert a portion of a structure of 2,880 square feet, which currently has 1,200 square feet of office and a two bedroom apartment, to office use. The request for conversion is for 520 square feet. The property is zoned Buffer Commercial.

The property is located at 727 West Morgan Street, inside the City Limits.

CR-5540 from the Planning Commission recommended that this request be approved according to a map entitled, "Snow Property," the property of Glenn Engelke, drawn by Daniel W. Joyner, dated March 27, 1984, with the condition that a sewer easement 10-feet wide be shown on the rear of the property.

Consent Agenda approval: Walters/Cates - eight ayes.

***PLAN APPROVAL PA-50-85- P. D. QUIX - APPROVED WITH CONDITIONS

This was a request for approval to construct a 975 square foot restaurant on .735 acre which is zoned Neighborhood Business. An existing building on the site will be removed.

The property is located on Rock Quarry Road, south of Interstate 40, inside the City Limits.

CR-5541 from the Planning Commission recommended that this request be approved according to a map entitled, "P. D. Quix," the property of Restaurant Ventures,

Incorporated, drawn by Page, Marlowe and Associates, dated March, 1985, with the condition that a detailed landscaping plan be submitted to and approved by the Staff prior to issuance of building permits.

Consent Agenda approval: Walters/Cates - eight ayes.

***PLAN APPROVAL PA-51-85-WALSMITH OFFICE BUILDING - APPROVED WITH CONDITIONS

This was a request for approval to construct a 16,400 square foot building on .78 acre which is currently undeveloped and zoned Office and Institution-II.

The property is located on Blue Ridge Road, near Crabtree Valley Shopping Center, inside the City Limits.

CR-5542 from the Planning Commission recommended that this request be approved according to a map entitled, "An Office Building for Walsmith," the property of Billie Redmond, drawn by Envirotek, Incorporated, dated April, 1985, with the condition that a detailed landscaping plan be approved by the Staff prior to issuance of a building permit.

Consent Agenda approval: Walters/Cates - eight ayes.

***PLAN APPROVAL PA-53-85-BARRY MARTIN ENTERPRISES - GLENWOOD AVENUE OFFICES - APPROVED

This was a request for approval to construct a new 4,130 square foot office building on .21 acre, zoned Neighborhood Business.

The property is located on Glenwood Avenue, between Jones and Lane Streets, inside the City Limits.

CR-5543 from the Planning Commission recommended that this request be approved according to a map entitled, "Barry Martin Enterprises - Glenwood Avenue Offices," the property of Barry Martin Enterprises, drawn by Jerry Turner and Associates, Incorporated, revision date April 19, 1985.

Consent Agenda approval: Walters/Cates - 8 ayes.

***PLAN APPROVAL PA-54-85- CONSTAN CAR WASH - APPROVED

This was a request for approval to add a 384 square foot storage area to the existing car cleaning center, zoned Neighborhood Business.

The property is located at 413 West Peace Street, inside the City Limits.

CR-5544 from the Planning Commission recommended that this request be approved according to a map entitled, "Constan Car Wash", the property of Constan-Carolina, Incorporated, drawn by Blume, Cannon and Ott, dated April, 1972.

Consent Agenda approval: Walters/Cates - eight ayes

***PLAN APPROVAL PA-55-85- DOCTORS URGENT CARE CONDOMINIUM - APPROVED WITH CONDITIONS

This was a request for approval to construct two office buildings containing 28 condominiums on one lot of 1.63 acres, zoned Office and Institution-II. One building is 16,240 square feet, and the other is 4,560 square feet.

The property is located on the corner of New Bern Avenue and Luther Road, inside the City Limits.

CR-5545 from the Planning Commission recommended that this request be approved according to a map entitled, "Doctors Urgent Care Center," the property of The Fletcher Group, drawn by Envirotek, Incorporated, dated April 1, 1985, with the condition that a detailed landscaping plan be submitted and approved by the Staff prior to issuance of any building permits.

Consent Agenda approval: Walters/Cates - eight ayes.

***SUBDIVISION S-92-85 - DOCTORS URGENT CARE - APPROVED

This was a request for approval to subdivide and construct 28 office condominiums on 1.63 acres which are currently undeveloped and zoned Office and Institution-II.

The property is located on the south side of New Bern Avenue and west of Luther Road, inside the City Limits.

CR-5546 from the Planning Commission recommended that this request be approved according to a map entitled, "Doctors Urgent Care," the property of The Fletcher Group, drawn by Envirotek, Incorporated, dated April 1, 1985.

Consent Agenda approval: Walters/Cates - eight ayes.

***PLAN APPROVAL PA-60-85 - BUCHANAN PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to develop each lot (.23 acre, 10,018 square feet) of a proposed two lot subdivision (S-73-85) with a two-story duplex. Development of each lot is identical. The site is presently undeveloped and zoned Neighborhood Business.

The property is located on the west side of Pineland Circle and 200 feet north of Western Boulevard, inside the City Limits.

CR-5548 from the Planning Commission recommended that this request be approved according to a map entitled, "Buchanan Property," the property of Jace and Martha Buchanan, drawn by William H. Dixon, dated April 22, 1985, with the condition that the subdivision plan (S-73-85) be approved by the City Council.

Consent Agenda approval: Walters/Cates: eight ayes

***SUBDIVISION S-73-85 - BUCHANAN PROPERTY - APPROVED

This was a request for approval to subdivide a 2.39 acre tract which is presently undeveloped and zoned Neighborhood Business into three lots.

The property is located on the west side of Pineland Circle and 200 feet north of Western Boulevard, inside the City Limits.

CR-5549 from the Planning Commission recommended that this request be approved according to a map entitled, "Buchanan Property," the property of Jace and Martha Buchanan, drawn by William H. Dixon, dated April 22, 1985.

Consent Agenda approval: Walters/Cates - eight ayes.

***PLAN APPROVAL PA-74-85 - GOVERNORS POINT AT WOODLAKE - APPROVED WITH CONDITIONS

This was a request for approval to transfer 10 units (12.5 allowed) from the Conservation/Buffer zone to the adjacent Residential-10 land. There is a 344-unit apartment project proposed on 33.42 acres which are a portion of a 35.92 acre tract zoned Residential-10, of which 2.5 acres are zoned Conservation/Buffer and on which a Greenway easement has been dedicated.

The property is located in the Woodlake Subdivision off Look Out Mountain Road which runs off the west side of Ray Road, inside the City Limits.

CR-5550 from the Planning Commission recommended that this transfer of density be approved according to a map entitled, "Governors Point at Woodlake," the property of The Walsh Corporation, drawn by Priest-Craven and Associates, dated May 1, 1985, with the condition that the site plan is recorded pursuant to Section 10-2022(2)(f) prior to issuance of building permits.

Consent Agenda approval: Walters/Cates - eight ayes.

***SHOPPING CENTER SC-25- REVISED COLONY SHOPPING CENTER SIGN CRITERIA - APPROVED

This was a request for approval of a revised sign criteria for the Colony Shopping Center (SC-25) for the canopy signs and wall signs.

CR-5551 from the Planning Commission recommended that this request be approved according to the criteria prepared by Ellinwood Design Associates, Limited, revised May 1, 1985.

Consent Agenda approval: Walters/Cates - eight ayes.

***SUBDIVISION S-71-85- DILLMARK TOWNHOMES - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct 28 townhouse units on 4.67 acres which are presently undeveloped and zoned Residential-6.

The property is located on the east side of Creech Road, just north of Fox Hollow Road, inside the City Limits.

CR-5554 from the Planning Commission recommended that this request be approved according to a map entitled, "Dillmark Townhomes," the property of John J. Dillard, drawn by Richard H. Stickney, dated April 1, 1985, revised May 1, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats.

Consent Agenda approval: Walters/Cates - eight ayes.

***SUBDIVISION S-74-85 - BENT CREEK VII - APPROVED WITH CONDITIONS

This was a request for approval to revise a previously approved plan (S-49-84) by adding four units and shifting the building locations on a 6.1 acre site, zoned Residential-10. There will be a total of 60 units on the site.

The property is located on the east side of Bent Creek Drive, just north of Lynn Road, inside the City Limits.

CR-5555 from the Planning Commission recommended that this request be approved according to a map entitled, "Bent Creek VII," the property of Projects, Incorporated, drawn by Billups and Associates, dated April 19, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats.

Consent Agenda approval: Walters/Cates - eight ayes.

***SUBDIVISION S-77-85- JORDAN H. PARKER - APPROVED

This was a request for approval to subdivide a 20.3 acre tract which is presently undeveloped and zoned Industrial-I and Office and Institution-I into six lots.

The property is located on the north side of Davis Circle which is just north of the intersection of Pleasant Pines Road and US 70, outside the City Limits.

CR-5557 from the Planning Commission recommended that this request be approved according to a map entitled, "Jordan H. Parker," developed by Jerry Parker, drawn by Chance-Cory Associates, dated April 19, 1985.

Consent Agenda approval: Walters/Cates - eight ayes.

***SUBDIVISION S-78-85- HIGHWOODS SOUTH - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 57.8 acre tract which is presently undeveloped and zoned Industrial-I into eleven lots.

The property is located on the south side of Atlantic Avenue and bordering the western right-of-way of the Beltline, inside the City Limits.

CR-5558 from the Planning Commission recommended that this request be approved according to a map entitled, "Highwoods South," the property of Highwoods Properties, drawn by Hager, Smith and Huffman Architects, P. A., dated April 30, 1985, with the following conditions: (1) That medians within the right-of-way and the strip between Meadow Wood Boulevard are maintained by the owner or an owners association approved by the City Attorney's Office prior to recording the final plats; and (2) that contemporaneous with the recording of Lot J or K, the property owner will give a unilateral 15-year option to the City for the extension of a 60-foot wide public right-of-way for a stub street to the west to be located on Lot J.

Consent Agenda approval: Walters/Cates - eight ayes.

***SUBDIVISION S-79-85 - BROOKHAVEN BY THE PARK - APPROVED

This was a request for approval to subdivide 3.3 acres which are presently undeveloped and zoned Residential-4 into six lots.

The property is located on the north side of Rembert Drive at Berkley Drive, inside the City Limits.

CR-5559 from the Planning Commission recommended that this request be approved according to a map entitled, "Brookhaven by the Park," the property of Stuart Marlowe, drawn by Bass, Nixon and Kennedy, dated May 6, 1985.

Consent Agenda approval: Walters/Cates - eight ayes.

***SUBDIVISION S-82-85- TENNTEX - APPROVED

This was a request for approval to convert 4,500 square feet in an existing office building, zoned Business District, into six residential condominiums. The developer has submitted a request for a Special Use Permit to the City Council to allow an increase in the residential densities greater than that allowed by the underlying district. An evidentiary hearing has been set for May 21, 1985.

The property is located between Salisbury Street and the Fayetteville Street Mall, one block south of Capitol Square, inside the City Limits.

CR-5561 from the Planning Commission recommended that this request be approved according to a map entitled, "Tenntex," the property of Tenntex, drawn by Tenntex, dated March 18, 1985, with the condition that the City Council approve the Special Use Permit to allow the increased residential density of the development.

Note: Special use permit approved earlier in the meeting. Consent agenda approval: Walters/Cates - eight ayes.

***SUBDIVISION S-83-85 - NORTH RIDGE VILLAS - 12 - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 13.97 acre tract which is presently undeveloped and zoned Residential-6 into 54 townhouse lots.

The property is located on the south side of Volant Drive, east of New Market Way, inside the City Limits.

CR-5562 from the Planning Commission recommended that this request be approved according to a map entitled, "North Ridge Villas - 12," the property of North Hills, Incorporated, drawn by Castleberry and Edgerton Company, dated March 25, 1985, revised April 16, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats.

Consent Agenda approval: Walters/Cates - eight ayes.

***SUBDIVISION S-85-85- HAROLD G. BAGWELL - APPROVED

This was a request for approval to subdivide a three acre tract, zoned Industrial-I, into two lots. The site has one building located on it which will remain on a separate lot.

The property is located on the south side of Sherwee Drive which is on the east side of Wilmington Street, north of Tryon Road, inside the City Limits.

CR-5561 from the Planning Commission recommended that this request be approved according to a map entitled, "Tenntex," the property of Tenntex, drawn by Tenntex, dated March 18, 1985, with the condition that the City Council approve the Special Use Permit to allow the increased residential density of the development.

Consent Agenda approval: Walters/Cates - eight ayes.

***REZONING Z-132-84- NEW HOPE ROAD - ORDINANCE REZONING PROPERTY ADOPTED

This was a request for approval to rezone approximately 69.5 acres from Residential-4 (40.7 acres), and Residential-6 (28.8 acres) to Shopping Center (8.4 acres), Office and Institution-III (6.7 acres), Residential-15 (10.1 acres), Residential-10 (35.4 acres) and Conservation/Buffer (7.1 acres - a 50-foot strip along New Hope Road (1.7 acres) and the floodplain in the center of the site).

CR-5565 from the Planning Commission recommended that Z-132-84 be approved as amended; that is, that the proposed 50-foot Conservation/Buffer on New Hope Road be approved from the existing centerline of New Hope Road; that the proposed Shopping Center, Office and Institution-III, Residential-15 and Conservation/Buffer to the centerline of the creek be denied; and that the remainder of the request from the east of the centerline of the creek to the east and south property lines be rezoned to Residential-10.

Consent Agenda approval: Walters/Cates - eight ayes (See Ordinance 571ZC162).

***REZONING Z-140-84 - HILLSBOROUGH STREET - ORDINANCE REZONING PROPERTY ADOPTED.

This was a request for approval to rezone approximately 39,000 square feet from Office and Institution-I to Neighborhood Business.

CR-5566 from the Planning Commission recommended that Z-140-84 be approved a requested.

Consent Agenda approval: Walters/Cates - eight ayes (See Ordinance 571CZ162)

***REZONING Z-53-85- US HIGHWAY 64 EAST - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 52.5 acres from Industrial-I to Office and Institution-I (9.8 acres), and from Residential-6 to Residential-15 (15.6 acres), Residential-10 (20.6 acres) and Conservation/Buffer (6.5 acres, a proposed 50-foot wide strip surrounding the Residential-15 and Residential-10 portions of the request as well as a small floodplain in the northwest corner of the request).

CR-5570 from the Planning Commission recommended that Z-53-85 be approved as amended; that is, that some 16 acres be rezoned to Thoroughfare District, some 9 acres be rezoned to Residential-10, and some 20.5 acres, north of the proposed east-west collector street, remain Residential-6. A 50-foot wide Conservation/Buffer is also proposed along the north part of the request, all according to the map on file in the Planning Department.

Consent Agenda approval: Walters/Cates - 8 ayes (See Ordinance 571ZC162).

END OF PLANNING COMMISSION CONSENT AGENDA

***SHOPPING CENTER SC-244- SOUTHGATE PLAZA SIGN CRITERIA - TO BE PLACED ON JUNE 4, 1985 COUNCIL AGENDA

This was a request for approval of a sign criteria for a previously approved shopping center. The site is zoned Shopping Center and is undeveloped.

The property is located at the corner of Cross Link Road and Rock Quarry Road, inside the City Limits.

CR-5154 from the Planning Commission recommended that this request be approved according to a document entitled, "Southgate Plaza Shopping Center, Rock Quarry and Cross Link Roads, Raleigh, NC," written by Envirotek, Incorporated, dated May 9, 1985.

Mayor Upchurch indicated he had been called by the owner of the property who would like this item held in order for him to meet with one of the tenants. He recommended that the item be referred back to Administration and placed under Special Items on the June 4, 1985 Council Agenda.

Mr. Walters moved that the item be placed on the June 4 agenda as requested. His motion was seconded by Ms. Babb, unanimously passed. The Mayor ruled the motion adopted.

***MH-1-85- SCHENLEY SQUARE - APPROVED

This was a request for approval to revise a previously approved plan (MH-2-71, Central Park) by shifting the location of six rental spaces. The site includes 37.34 acres, zoned Mobile Home, with 233 rental spaces provided.

The property is located on the west side of Garner Road, between Rush Street and Raleigh View Road, inside the City Limits.

CR-5533 from the Planning Commission recommended that this request be approved according to a map entitled, "Schenley Square," the property of Walton and White, drawn by C. Lawrence Vaughan, dated April 1, 1985.

Planning Director Chapman pointed out the plan on a map available at the meeting. Chairman McNeely explained this was a six lot rework of a previously approved plan. Reverend Calloway questioned if shifting the plan would provide more yard and green space. Mr. Chapman explained this proposal shifts the property line on the six properties and removes the old office that was located in the center of the property and provides for additional open space facilities in the center of the property. He indicated it does not increase the number of units and creates 35,000 square feet of open space. Ms. Block questioned if the open space could be used for additional units with Mr. Chapman indicating this could not be done without approval of the change by the Council.

Reverend Calloway moved that the Planning Commissions recommendation be upheld. His motion was seconded by Ms. Babb, unanimously passed. The Mayor ruled the motion adopted.

***SUBDIVISION S-44-85 - KLYMAN PROPERTY - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to subdivide a 13.97 acre tract which is presently undeveloped and zoned Residential-6 into 54 townhouse lots.

The property is located on the south side of Volant Drive, east of New Market Way, inside the City Limits.

CR-5562 from the Planning Commission recommended that this request be approved according to a map entitled, "North Ridge Villas - 12," the property of North Hills, Incorporated, drawn by Castleberry and Edgerton Company, dated March 25, 1985, revised April 16, 1985, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats.

Mayor Upchurch questioned the width of the street noting there had been a question from administration on this item. Ms. Cates indicated she had checked into this and we have 50 feet of right-of-way which is not unusual for an already developed area and a 41 foot street could be built within this right-of-way. She indicated she had checked into this thoroughly with staff and talked with a couple of people in this area and felt their questions were satisfied. Mr. Benton indicated the subdivision plan shows a 41 foot street and there is some interest in recommending a narrower street.

Without objection the Mayor directed that this item be referred to the Public Works Committee to clear up the matter of street width.

***SUBDIVISION S-69-85- EAST HARMON TRACT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide an 86 acre tract which is currently undeveloped and zoned Shopping Center (10 acres), Office and Institution-I (6 acres) and Residential-6 (70 acres) into nine (9) lots.

The property is located on the east side of Litchford Road, directly across from Harps Mill Road, outside the City Limits.

CR-5553 from the Planning Commission recommended that this request be approved according to a map entitled, "East Harmon Tract," the property of Cities Development

Company, drawn by John Edwards and Company, dated May 2, 1985, with the following conditions: (1) That a stormwater management plan conforming to the Perry Creek Stormwater Policy be prepared, and approved by the Staff; and (2) that all off-site sanitary sewer easement deeds be acquired and recorded prior to recording the final plats.

Planning Director Chapman pointed out the subdivision on the plan available at the meeting. Chairman McNeely indicated the Planning Commission did not discuss this item at any length. Ms. Block referred to the pump station and force main and the reasons indicated this would prevent the gravity flow through Camp Durant and felt this needed to be explained and questioned why would we want to prevent gravity flow. Mr. Chapman indicated Camp Durant is north and east of this property and gravity flow would take both sewer and storm water through the camp. He indicated there has been a pump station and sewer line on the north side of Camp Durant to serve the Durant Trails property and under this development sewer generated from the development could be pumped into that system and eliminate the need for disturbing the park property. Mr. Benton indicated this is immediately upstream from two lakes and explained we have the choice of handling this with a gravity line going through the center of Camp Durant or through the north prong and eliminate disturbing the camp.

Following discussion Ms. Block moved that the Planning Commission recommendation be upheld. Her motion was seconded by Ms. Babb, unanimously passed. The Mayor ruled the motion adopted.

***SUBDIVISION S-80-85- LAUREL BROOK TOWNHOUSES - APPROVED WITH CONDITIONS

This was a request for approval to subdivide 16.25 acres which are currently undeveloped and zoned Residential-6 into 95 townhouse lots.

The property is located on the east side of Duraleigh Road, opposite the entrance to Rockwood Drive, outside the City Limits.

CR-5560 from the Planning Commission recommended that this request be approved according to a map entitled, "Laurel Brook Townhouses," the property of Shankle Construction Company, drawn by PriestCraven and Associates, dated April 1, 1985, with the following conditions: (1) That the private drive (Timberhurst Drive) be aligned with Sedgewood Drive to provide safe and orderly access to Duraleigh Road, pursuant to Section 10-2041(a); (2) that the layout be revised so some decks attached to the townhouses are not within 30 feet of a private drive (a violation of Section 10-2075-(d)(3)(c); (3) that sewer easements (10 feet) be extended to the first five lots fronting on Balsam Drive; and (4) that homeowners documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording any maps.

It is recommended that a variance be granted to the length of the cul-de-sac pursuant to Section 10-3004 if a petition for closing of Sourwood Drive is submitted and signed by the adjacent owners.

Mr. Chapman pointed out the subdivision on a plan available at the meeting. He pointed out the entrances on Duraleigh Road noting the plan does not provide for an extension of the street at this location of Foxwood Drive which were previously stubbed out to the property line. He then reviewed the Planning Commission recommendation for approval and the conditions.

Mr. McNeely indicated the major concern with this case was whether or not to allow access back to an established community. He indicated there is a great deal of development in that corridor and the residents made their feelings known that they were afraid there would be traffic cutting through this new subdivision and people going into their subdivision to get to Crabtree Creek. He indicated by not connecting through the established community it would preclude Fire Station 17 being able to get to the back corner of the established subdivision. However, the residents at risk were the ones who did not want the road cut. He indicated the Planning Commission considered the length of the cul de sac and the road alignment and recommended that a variance be granted on the length of the cul de sac but the alignment of the road be changed connecting to Duraleigh. In response to questioning, Mr. Chapman indicated the width of Foxwood is 20 to 25 feet. Ms. Block indicated everyone has heard her say many times that roads should go somewhere noting in this case Foxwood stops and with the growth in this area we would eliminate a lot of the police and fire protection. She indicated the traffic in these kinds of cases would not be thoroughfare noting anytime you have a street going somewhere the cars would go on through but if the street dead ends you would get the traffic going and coming back through.

Ms. Block moved that this item be referred to the Public Works Committee. Her motion died for the lack of a second.

Ms. Cates indicated the Comprehensive Plan speaks to the fact that we do not want to run thoroughfare traffic through neighborhoods. She indicated the people have been very vocal about not wanting the connection and the developer does not want a connection. She indicated in order to make a connection you would have to go down a steep slope and there would be a lot of run off created in addition to what is currently existing. She indicated the developer has worked to eliminate the necessity for any more impervious coverage than necessary. She indicated Foxwood is very

substandard and did not think it would be a good safety factor to open it up without improvement in the Laurel Hills section which we are not about to do.

Following discussion Ms. Cates moved that the recommendation of the Planning Commission be upheld. Her motion was seconded by Ms. Babb with a roll call vote resulting as follows: ayes - Ms. Babb, Reverend Calloway, Ms. Cates, Mr. Congleton, Mr. Keller, Mr. Upchurch, Mr. Walters. No, Ms. Block. The Mayor ruled the motion adopted.

***REZONING Z-128-84- NOWELL ROAD - ORDINANCE REZONING PROPERTY ADOPTED

This was a request for approval to rezone approximately 4.8 acres from Residential-4 to Thoroughfare District.

CR-5563 from the Planning Commission recommended that Z-128-84 be approved as requested.

Planning Director Chapman pointed out the location of the property on a map available at the meeting. He indicated the development would not adversely impact the property to the south. He then reviewed the Planning Commission recommendation.

Chairman McNeely indicated the petitioner has worked with the staff and understood that the sedimentation and erosion control plan has generally been agreed to by the City to take care of the water run off.

Ms. Block indicated the CR indicates that "the applicant has assured the Planning Commission that the large mound of earth on the site and on his ajoining properties will be leveled and that the drainage problems to the south will be resolved in the process." She indicated under the recommendation included on the CR she could see no reference to this requirement. She indicated at the hearing the people living in this area were upset about this dirt pile and the drainage and felt the CR should say subject to the removal of the dirt pile and control of sedimentation. Mr. Chapman indicated at this point that cannot be done noting the request is to rezone to thoroughfare district; however, thoroughfare district does require administrative approval of the site plan before issuance of a building permit. He indicated given the discussion of this issue, staff would be critical towards this through site plan approval.

Chairman McNeely indicated the residents did not come to the meeting this time but did previously and were very vocal. He indicated the petitioner stated he had talked to the people and they understood what would be done to alleviate the water problem and the erosion control staff with the City concurred in the proposed remedy. He indicated he did not know for sure if those residents to the south were in agreement or had been approached.

Following discussion Ms. Block moved that the Planning Commissions recommendation be upheld with Administration flagging the discussion relating to the dirt pile and erosion control. Her motion was seconded by Ms. Babb with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1985-571 ZC 162

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the Raleigh City Code, which includes Zoning District Map, be and the same is hereby amended as follows:

a. Nowell Road, west side, being Parcel 43, Tax Map 519, rezoned to Thoroughfare District (Z-128-84).

b. U. S. Highway 64 East, between Trawick Road and New Hope Road, being a portion of Parcel 29, Tax Map 497, rezoned to Thoroughfare District, Residential-10 and Conservation/Buffer according to map on file in the City of Raleigh Planning Department entitled, Z-53-85 - "TC Recommendation, May 13, 1985." (Z-53-85)

c. Hillsborough Street, north side, being Parcels 20 and 22, Block D-107, Tax Map D-24, rezoned to Neighborhood Business (Z-140-84).

d. New Hope Road, east side, being a portion of Parcel 1, Tax Map 498, being approximately 42.5 acres, east of creek bisecting property, rezoned to Residential-10 and a 50-foot Conservation/Buffer on New Hope Road from the existing center line of New Hope Road (Z-132-84).

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: May 21, 1985

Effective: May 21, 1985

***REZONING Z-4-85- CREEDMOOR ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 20.7 acres from Residential-4 to Office and Institution-I.

CR-5567 from the Planning Commission recommended that Z-4-85 be approved as amended; that is, that the property contained in Z-4-85 be rezoned to Office and Institution-I as requested with a 25-foot Conversation/Buffer on the west side.

Planning Director Chapman pointed out the location on a map available at the meeting. Chairman McNeely indicated this case was referred into a subcommittee and brought back to the Planning Commission meeting and was not acted on at the first meeting. He indicated it does show transportation problems indicating that the City transportation people had agreed to some modification in the way the improvements would be made to improve the traffic problems at the interchange rather than just widening the road. He indicated the subcommittee recommendation was to approve with the added buffer area and the Planning Commission concurred with this by a five/two vote.

Mr. Congleton moved that this item be referred to the Law and Finance Committee. His motion was seconded by Ms. Babb.

Ms. Block indicated she had said previously that any requests to increase the traffic density, which this case does, on Creedmoor Road she would vote not to approve. She indicated she could only vote against this request. She indicated another reason to vote no on this request was brought out by the CAC which related to the projection for the northwest area for office uses called for 150 acres and there are already zoned 208 acres for office use which is up to the requirements for the year 2005. She indicated if the comprehensive plan is worth anything we should just indicate that we are already 50 acres above the quota for office uses in this area. She felt this is too much for Creedmoor Road to handle until the road is improved and did not think this would be done within the next two years.

Ms. Block made a substitute motion that the request be denied. Her motion was seconded by Ms. Cates.

Mr. Congleton indicated he would vote no to Ms. Block's substitute motion. He indicated the reason he made the original motion to refer the item to Law and Finance is that in looking at the case we need to look at the specifics including the Comprehensive Plan and he has not had time to do that. He noted maybe it needs to be cut down ten acres or denied, etc. He indicated the situation is the Council has responsibility to make a decision from a rational stand point and looking at all options and urged denial of the substitute motion.

A vote on the substitute motion to deny was taken with results as follows: ayes Ms. Block, Ms. Cates, Mr. Keller. Noes, Ms. Babb, Reverend Calloway, Mr. Congleton, Mayor Upchurch and Mr. Walters. The Mayor ruled that the motion failed.

A vote on the original motion to refer the item to the Law and Finance Committee was taken and passed with members voting as follows: ayes Ms. Babb, Ms. Block, Reverend Calloway, Mr. Congleton, Mr. Keller, Mr. Walters, Mayor Upchurch. No, Ms. Cates. The Mayor ruled the motion adopted and the item was referred to the Law and Finance Committee.

***REZONING Z-38-85- CREEDMOOR AND LEASVILLE ROADS - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 8.7 acres from Residential-4 to Office and Institution-I (8.5 acres) and Conservation/Buffer (.2 acre, being a 10-foot wide strip along the south and southeast sides).

CR-5568 from the Planning Commission recommended that Z-38-85 be approved as amended; that is, that the property contained in Z-38-85 be rezoned to Office and Institution-I as requested with a 75-foot Conservation/Buffer along the south and southeast sides.

Planning Director Chapman pointed out the location on the map available at the meeting.

Mr. McNeely indicated this was on the same agenda as the property directly across from it and was placed in the subcommittee. He indicated the subcommittee brought back a recommendation with a buffer on the south and east sides and the proposal was approved by a four/three vote by the Planning Commission.

Mr. Congleton moved that this item be referred to the Law and Finance Committee. His motion was seconded by Ms. Babb.

Mr. Congleton indicated he felt that some of the same things exist as on the previous case however, he indicated he would vote for no more than O&I-III on this tract and may vote against it all together but would have to look at all factors including the traffic.

Ms. Block indicated she would vote against this case as she has studied the case throughly and was opposed but would not vote against it going to Law and Finance.

A vote on the motion to refer this to the Law and Finance Committee was taken with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

***REZONING Z-40-85- STRICKLAND ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 10.8 acres from Residential-4 to Residential-10.

CR-5569 from the Planning Commission recommended that Z-40-85 be approved as requested.

Members of the City Council will find copies of the above Certified Recommendations of the City of Raleigh Planning Commission included in their Agenda packet.

Planning Director Chapman pointed out the location on a map available at the meeting.

Chairman McNeely indicated this property lies within a neighborhood focus and it would be appropriate at mid density residential. He indicated this is a modest density request and would be a buffer between the back of Town North Shopping Center and the single family homes to the west. He indicated the Planning Commission supported the rezoning with a four/one vote.

Ms. Cates moved that the property be rezoned to Residential - 6. Her motion was seconded by Ms. Block. Ms. Babb made a substitute motion that the property be rezoned Residential - 10 but, with the addition of 25 foot conservation buffer on the west side of the property. Her motion was seconded by Mr. Congleton. Ms. Babb indicated the Comprehensive Plan does call for medium density in this area and Residential - 10 does allow for medium density development. She indicated Residential - 10 would be appropriate with conservation buffer and would protect the drawing line on this side of the property. Mr. Congleton indicated if this motion is successful he would have another motion noting that with the conservation buffer of 25 feet we need to request the developer to add an additional 25 feet of natural area undisturbed to give these people a total 50 foot conservation buffer. He explained this is a difficult tract of land and he will be coming back with an additional motion for 25 additional feet if this vote is successful. Mayor Upchurch questioned why not make this a 50 foot conservation buffer district in the same motion.

Ms. Block indicated she could stand to see this rezoned to Residential - 6 but she could not vote for Residential - 10. She indicated with Residentail - 6 the development could be clustered. Ms. Cates indicated she would vote against Residential - 10 noting Brandon Station is a new subdivision of Residential - 4 homes. She indicated at that time the Shopping Center did not have enough space between the shopping center and Residential - 4 to graduate out in a node and felt that Residential - 10 would be dense for this subdivision and would vote against it. Mr. Keller indicated this particular case bothers him a lot noting Residential - 10 is medium density and that may be the legitimate density for that area but questioned if putting a conservation buffer district between residential districts is setting a precedent. Ms. Babb indicated this was done earlier today in Oak Haven. Mr. Keller indicated this may have no end and could not agree with putting conservation buffer between two residential areas.

Ms. Babb indicated our general practice is to maintain residential areas and they do not need to be buffered from each other and she has generally gone along with that. She indicated common sence and special concerns dictate that you have to make special allowances sometimes. She indicated this is a special situation due to the shape of the tract and the concern of the Brandon Station people and trying to weigh their concern and offer protection and signal we will not let this node extend out further. She indicated this does offer protection to the neighbors and felt there are cases where you have to make special concessions to be sure the neighborhoods are adequately protected. Ms. Block indicated there are times you need to make special concessions and felt the property should be Residential - 6 and that would be the concession. She indicated we do not need to buffer residential areas from other residential areas, and if we do, the best thing to buffer them would be to go to Residential - 6 which would eliminate some of the Creedmoor Road traffic. Reverend Calloway indicated the people he talked with about this case are residents who understood there had been a gentlemens agreement so that Residential - 6 would be appropriate and the developers are also happy with Residential - 6. He indicated on the basis of these conversations he would vote for Residential - 6. Mr. Congleton indicated he had talked to both sides and in terms of developing a site plan for Residential - 6 vs. Residential - 10 and conservation buffer, one of his concerns is rather than Residential - 6 going in there up to the back yard that Residential - 10 with a 50 foot natural area would provide more protection and would buffer the development further to the east. He indicated he did not know what a 25 foot conservation buffer does to the density but, pulls it down to approximately 8.5 to 9. Mayor Upchurch indicated there is a statutory protest petition filed against this case. Mayor Upchurch explained he would like to change the 25 foot buffer in Ms. Babb's motion to 50 feet and asked Ms. Babb, as maker of the motion, if she would agree. Ms. Babb indicated she would agree to change if Mr. Congleton would approve. Mr. Congleton indicated he would like to see the item go to a committee. Ms. Babb withdrew her substitute motion and made a new substitute motion to refer the item to the Law and Finance Committee. Her motion was seconded by Mr. Congleton.

A vote on the substitute motion was taken with results as follows: ayes, Ms. Babb, Reverend Calloway, Mr. Congleton, Mayor Upchurch, Mr. Walters. No, Ms. Block, Ms. Cates, Mr. Keller. The Mayor ruled the motion adopted and the item was referred to the Law and Finance Committee.

COMMITTEES COMMISSIONS AND BOARDS

***PLANNING COMMISSION - KEN DURHAM APPOINTED

The Clerk reported the term of Thomas C. Worth, Jr. expires June 2. Nominations include: Betty Twiggs(Babb), Ken Durham (Walters), and Norma Burns (Cates). Nominations have been closed.

Ms. Babb indicated that Ms. Twiggs asked her to withdraw her name from the nominees. Ms. Babb indicated that Ms. Twiggs is interested in serving and in the very near future we will be pursuing another vacancy that will be coming up on the Planning Commission. Without objection Ms. Twiggs was withdrawn from the list of nominees.

Mr. Walters indicated that these are three very capable nominees and if it were not for trying to get Ken Durham appointed he would have supported Ms. Twiggs and would support a woman if nominated again. Ms. Block indicated she was distressed that there are going to be six people representing the City on the Planning Commission and none of them would be women and she had intended to vote for Ms. Twiggs. She indicated with her withdrawal she would be voting for Ms. Burns as it is long past due to have a woman to represent the City on the Planning Commission.

At this point a ballot vote was taken with results as follows: Ms. Burns - 3 (Congleton, Block, Cates). Ken Durham - 5 (Walters, Babb, Upchurch, Keller, Calloway). Ken Durham was declared the new member of the Planning Commission, effective June 3.

***APPEARANCE COMMISSION - LIDIA WHITE AND DAN SEARS APPOINTED

The Clerk reported the terms of Lidia White and Marshall Lancaster, Jr. expired July 3 and Mr. Lancaster had indicated he does not wish to be reappointed. Nominations include: Ms. White (Mayor Upchurch) Carol McCormick (Congleton), Dan Sears (Cates). Nominations have not been closed. Mr. Congleton moved that the nominations be closed. His motion was seconded by Mr. Keller, unanimously passed.

A ballot vote was taken with results as follows: Lidia White - 6 (Congleton, Upchurch, Keller, Babb, Walters, Cates); McCormick - 5 (Congleton, Upchurch, Block, Babb, Calloway); Sears - 5 (Block, Keller, Walters, Cates, Calloway). Lidia White was declared reappointed to the Appearance Commission.

A second ballot vote was taken between Carol McCormick and Dan Sears with results as follows: McCormick - 4 (Upchurch, Congleton, Babb, Block); Sears - 4 (Keller, Walters, Cates, Calloway). No one received a majority vote.

A third ballot vote was taken between Carol McCormick and Dan Sears with results as follows: McCormick - 3 (Upchurch, Congleton, Babb); Sears - 5 (Keller, Walters, Cates, Calloway, Block). Dan Sears was declared a member of the Appearance Commission effective July 4.

***DOWNTOWN HOUSING IMPROVEMENT CORPORATION - DAN ELLISON, GUS ANDERSON AND RUTH POPE NOMINATED

The Clerk reported the terms of William H. Poe, Jr., Phil Harvell, Edgar Davis, Sonnya Quinn, and George Hawkins expire on July 3. Mr. Harvell and Mr. Poe have indicated they do not wish to be reappointed. Nominations thus far include Mr. Davis (Walters), Ms. Quinn (Block).

Mr. Upchurch nominated Dan Ellison, a member of the Mordecai Historic Society. Ms. Babb nominated Gus Anderson. Reverend Calloway nominated Ruth Pope. Mr. Upchurch indicated there are five vacancies and now they have five nominees. No further action was taken.

***HOUSING APPEALS BOARD - WILLIAM D. HARAZIN REAPPOINTED

The Clerk reported the term of William D. Harazin expires July 5 and he has been nominated for reappointment by Ms. Babb. Nominations have not been closed.

Ms. Cates moved that the nominations be closed and Mr. Harazin be appointed by acclamation. Her motion was seconded by Mr. Walters, unanimously passed. The Mayor ruled the motion adopted.

***HOUSING AUTHORITY - NO ACTION TAKEN

The Clerk reported the term of Vernol R. Jansen, Jr., expires July 6 and he has been nominated for reappointment by Ms. Babb. Nominations have not been closed. Ms. Block requested that this item be held until the next meeting. Without objection the item was held.

***HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - REVEREND DAVID BROWNLEE APPOINTED

The Clerk reported there is one vacancy due to the resignation of Roland Gammon. Reverend David Brownlee has been nominated by Mr. Congleton and nominations have not been closed.

Ms. Cates moved that nominations be closed and Reverend Brownlee appointed by acclamation. His motion was seconded by Ms. Block, unanimously passed. The Mayor ruled the motion adopted.

***PARK AND RECREATION ADVISORY BOARD - APPOINTMENT HELD

The Clerk reported the term of Earle K. Curry expires July 5 and he does not wish to be reappointed. Nominations include: Manuel Kennedy (Calloway), Bill Beal (Congleton), Dot Jordan (Cates). Nominations have not been closed.

Mr. Keller recommended that appointments be held as there is a pending item in the Law and Finance Committee that will be discussed at their next meeting relating to Parks and Recreation.

Ms. Block moved that appointments be held. Her motion was seconded by Ms. Babb, unanimously passed.

***TRANSIT AUTHORITY - HIRAM CASEBOLT AND PHIL HARVELL NOMINATED

The Clerk reported the following terms expire July 3, 1985: Shelby Alford, Phil Harvell, Hiram Casebolt and Thomas Hilliard. Nominations include: Mr. Alford (Upchurch), Mr. Hilliard (Calloway).

Mr. Walters nominated Hiram Casebolt. Mr. Congleton nominated Phil Harvell. No further action was taken.

***GREENWAY COMMISSION - APPOINTMENT HELD

The Clerk reported there is one vacancy due to the resignation of Paul Thompson who resigned due to illness and no nominations have been made.

Mr. Keller suggested that this item be held as there is an item relating to the Greenway System pending in the Law and Finance Committee which will be discussed at their next meeting.

Ms. Block moved that the appointment to this committee be held. Her motion was seconded by Ms. Babb, unanimously passed.

***HISTORIC PROPERTIES COMMISSION - NINE APPOINTMENTS MADE

Mr. Walters indicated a special committee had been previously set up to work on the Historic Properties Commission. He indicated there are 13 members of the Historic Properties Commission whose terms expire on June 30 and there is also one resignation resulting in 14 appointments to be filled. He reported nine of those eligible have excellent attendance records and are very active in the commissions' endeavors and desire to be reappointed. He indicated his committee recommends that the council appointment procedure be suspended and the following present members of the Historic Properties Commission be appointed to a two year term affective July 1, 1985:

Charlotte Brown
Stan Caton
Pernon Howell
Vivian Irvin
John Kenney, Jr.
George Lennon
Ruth Little
Calvin Parks
Fred Whitney

Mr. Walters moved that the rules be suspended and these nine persons be appointed affective July 1, 1985. His motion was seconded by Ms. Babb, unanimously passed. The Mayor ruled the motion adopted.

Mr. Walters reported there would be five seats on the commission open for appointment as follows:

Steve Stroud (resigned)
Barbara Wishey (not eligible)
Michael Latta
Henry Lewis
Maye Ligon

Mr. Walters indicated it would be appropriate for the Council to receive nominations for these five positions.

Ms. Cates nominated Robert Anderson. No further action was taken.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

***FUTURE SIDEWALKS - NO CHANGE

Ms. Block reported the Committee has reviewed alternatives to concrete sidewalks and existing sidewalk standards and recommends no change in the standards at this time and on behalf of the Committee so moved. Her motion was seconded by Reverend Calloway, unanimously passed. The Mayor ruled the motion adopted.

***SUBDIVISION S-41-85- BLUE RIDGE OFFICE CENTER - SUBDIVISION AND AGREEMENT APPROVED

Ms. Block reported Council Members received in their agenda packet a memo from Thomas Adams, Jr., dated May 10, 1985 outlining various agreements relating to Lake Boone Trail Extension. These items are as follows:

1. That Ezra Meir be permitted to extend Lake Boone Trail westwardly according to a street plan prepared by John Edwards, Engineer and approved by Bart Barham of the City Department of Transportation.

2. As to that portion of Lake Boone Trail which extends westwardly from the point where the Lake Boone Trail right-of-way first touches the Watkins Land, Mr. Meir would be permitted to narrow the paving whereby the only paving which he would do would be on his own property (from the point where the center of the right-of-way is the same as the northern property line of the Meir property, all portions of the street west of this point would not exceed two lanes in width).

3. The City would require that Mr. Meir post a surety bond in a sum equal to an estimate to be prepared by Joe Beane of the City Engineering Department, which would be sufficient to pay for the acquisition of additional right-of-away from the Watkins property and the construction of that portion of Lake Boone Trail which would be on the Watkins property. This bond would be for a period of five years.

4. Within the five year period the City would make a decision as to whether right-of-way would be acquired from the Watkins Land and additional pavement installed. The City would then proceed to acquire such right-of-away as necessary and construct such street as it determines desirable and the full cost of these would be borne by Mr. Meir.

5. The City would then assess the Watkins property for the cost of making additional street improvements. Such assessment would be in accordance with the usual City policy relating to assessments.

6. At such time as the assessment is paid by the owner of the Watkins Land, the City would reimburse Mr. Meir in accordance with usual City policy.

7. Since the construction of Lake Boone Trail would not meet the standards of the State of North Carolina, Mr. Meir would maintain that portion which is outside the City limits and within the boundary of the Meir property until it is eligible for public maintenance.

8. A formal contract with Mr. Meir and the City of Raleigh incorporating the foregoing provisions (plus a nondiscrimination clause) will be entered into after approval of the contents of this memorandum.

The memo from Mr. Adams also indicated it is hoped that within the five year period, the Watkins Land would be sold and developed in which case the City would require that the developer dedicate the right-of-way required for Lake Boone Trail and make all the additional improvements and in such an event Mr. Meir's obligation would terminate.

Ms. Block moved approval of this subdivision and authorization for the Mayor to sign this agreement. Her motion was seconded by Ms. Cates, unanimously passed. The Mayor ruled the motion adopted.

***SIDEWALK ASSESSMENT ROLL 207- NORTH HILLS DRIVE - CONFIRMED

Ms. Block indicated the Committee recommends adoption of a resolution confirming the charges for sidewalk improvements on North Hills Drive as presented in Assessment Roll 207, and on behalf of the Committee so moved. The motion was seconded by Reverend Calloway with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-816

RESOLUTION CONFIRMING CITY OF RALEIGH SPECIAL SIDEWALK ASSESSMENT ROLL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment rolls hereinafter referred to, and notice of the meeting of the City Council hereinafter referred to, published according to law in the Raleigh Times, a newspaper legally

qualified to publish legal advertising and following a public hearing on the allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 7th day of May, 1985, at the time and place fixed in accordance with Statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1985-726 adopted on the 19th day of February, 1985, which assessments appear on "The City of Raleigh Special Sidewalk Assessment Roll 207", against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment rolls which are hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of the resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed, as provided by Statute.

Section 3. That the amount of the assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessment in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls, payable annually upon the unpaid balance of the assessment rolls.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: May 21, 1985

REPORT AND RECOMMENDATION OF THE MUNICIPAL BUILDING COMMITTEE

***MUNICIPAL PARKING DECK - ARCHITECT - ENGINEER FINAL PAYMENT - TRANSFER APPROVED

Ms. Block reported that the Municipal Building Committee recommends that the following transfer be authorized:

Transferred From:		
34-2-3805-0102	Municipal Block "B"	$1,064.00
Transferred To:		
34-2-3810-0102	Parking Deck B	$1,064.00

This transfer is to make final payment to Architect - Engineer for Municipal Building Parking Deck.

Ms. Block moved that the Committees recommendation be upheld. Her motion was seconded by Ms. Cates with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 569TF22.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

***EAST PLANNING DISTRICT PLAN - INFORMATION RECEIVED

Ms. Babb reported as a matter of information the Comprehensive Planning Committee is looking at the administrative version of the East Planning District Plan and hoped that a public hearing can be held in July. This was received as information.

REPORT AND RECOMMENDATION OF THE GREENWAY COMMISSION

***GREENWAY COMMISSION 1984 ANNUAL REPORT - REFERRED TO LAW AND FINANCE COMMITTEE

David King, Chairman of the Greenway Commission indicated this is the 1984 report and this is the last calendar year report that will be received and the next time this will be on the fiscal year basis. He then presented the report which Council members had received including the existing Greenway Trails, the system wide accomplishments for 1984, construction activity accomplishments for 1984, trail mileage, 1984 property acquisitions, expenditures and objectives for 1985 as included in the report. He then reviewed the recommendations as follows:

1. As the system grows, a corresponding growth in manpower and equipment will be necessary to maintain the Greenway Lands and Trails. Consideration should be given to upgrading the positions of the Greenway crew to ensure that people with the necessary skills are hired.

2. Presently, 20 plus miles of the pedestrian trails exist within the Greenway system. As the number of miles increases, public safety will become more important. Increasing the size of the park ranger staff will help preserve the "safe" image of the Greenway System.

3. In order to keep pace with the rapid urbanization and allow for the conservation of Raleigh's sensitive wet land areas, present City ordinances should be studied to possibly include "mandatory dedication of Greenway easements, the joint development of Greenway Trails with area developers, the reservation of floodway lands for open space purposes".

4. Encourage the use of joint sanitary sewers/Greenway easements along major and minor stream corridors as indicated on the Greenway master plan, specifically, Turkey Creek Outfall and the Crabtree and Walnut Creek parallel lines.

5. The goal of the Capital Area Greenway System is to construct 200 miles of pedestrian trails by the year 2000. Currently, we have received 10% of this goal. In order to realize our goal, the system must be able to construct approximately 10 miles of trails per year over the next 15 years. An evaluation should be made of the present methods of construction and the ways in which construction activities can be increased to reflect the projected goal.

6. Continue to coordinate the efforts of the capital area Greenway system with those of Wake County, the State of North Carolina, the town of Cary and other jurisdictions to ensure the maximum benefits of the Greenway system are provided to area residents.

He then acknowledged the support of City staff, particularly George Chapman, Bob Mosher and Chuck Flink of the Planning Department, Ron Tietgen of Parks and Recreation Department, Sessions Reporter Ann Adams and Assistant City Manager Carolyn Carter.

He indicated Council members are invited to a reception in Room 237, Thursday evening to further discuss this report.

Mr. Walters questioned, in the expansion in the Northeast, if the Commission has looked to going under the bridge at the Beltline for Walnut Creek. He also questioned Marsh Creek and if there is a way to go under US 1. Mr. King indicated they would check into that and give a response Thursday. Reverend Calloway questioned the delay in starting the Walnut Creek system with Mr. King indicating he hoped the problems in that area are about to be taken care of. He indicated there are soils and flooding problems involved that are an engineering nightmare.

Ms. Cates indicated the Greenway Commission plans to have maps on the wall Thursday. She indicated in going over the recommendations she would like to recommend that Items 1 and 2 go to a work session on the budget since they are related to personnel, that Items 3 and 4 be referred to the Public Works Committee as they deal with easements; that Item 5 go to Administration to consider and give a report to determine if we can speed up the process and indicated in regard to Item 6 that the Greenway Commission has worked hard in trying to work with the other jurisdictions and Item 6 should be received as information.

Ms. Babb stated that all of these recommendations are worthy of study and rather than breaking them up as suggested by Ms. Cates she would suggest that they be referred to the Law and Finanace Committee. Her motion was seconded by Mr. Keller. Ms. Babb indicated the Law and Finance Committee is ready to bring up the issue of Greenway Operations, parks, etc.

Ms. Block indicated she needed more refresher on what was referred to the Law and Finance Committee and thought it was the composition of the Committees, Personnel, etc. She indicated over the past several months their have been a number of different occasions where we referred something to Law and Finance Committee and it has been on their agenda for some time and noted she was interested in looking at the Parks and Recreation and Greenway Programs and try to come up with overall assessments. Ms. Block indicated she could see now that this delay was until the issue of the Parks and Recreation new director was resolved. Ms. Cates indicate this particular item has to do with the Greenway Program. She indicated she has gone over it with the staff person and we are talking about a program that needs to move forward. She indicated if the Law and Finanace Committee tackles the problem of restructuring of the Parks Department, the Greenway Commission and the Urban Tree Program it would be unnecessarily delayed.

Following discussion a vote on the motion to refer the item to Law and Finance was taken and passed with members voting as follows: ayes, Mayor Upchurch, Ms. Babb, Reverend Calloway, Mr. Congleton, Mr. Keller, Mr. Walters. Noes - Ms. Cates and Ms. Block. The Mayor ruled the motion adopted.

Ms. Block indicated we have many dedicated people on this commission and she is happy with the program and felt the public is happy with the program. She indicated she felt the entire council is united in the fact that they want to see this program grow.

Mr. Keller indicated in regard to the organization and administration of this program that it would be premature to deal with specifics before we get the organization and administrative aspects cleared up. Ms. Cates indicated she hoped this report would not be held for a long period of time in the Committee.

REPORT AND RECOMMENDATION OF THE HISTORIC PROPERTIES COMMISSION

***BORDEN BUILDING - HISTORIC PROPERTY DESIGNATION - REFERRED TO PUBLIC WORKS COMMITTEE

Dr. Charlotte Brown indicated on April 9, 1985, the Raleigh Historic Properties Commission resolved to recommend to the Council that the Borden Building, located on the south side of the property formerly referred to as "the Methodist Orphanage," be declared a Raleigh Historic Property for the following reasons:

1. It was the first building opened as part of the Methodist Orphanage operated by the North Carolina Conference of the Methodist Church and its location and investment affected the economic and geographic growth of the City; and

2. It was designed by Charles Pearson, one of North Carolina's first indigenous architects who attended North Carolina State and with Thomas Ashe, also a State College graduate and native of Raleigh, founded one of Raleigh's first local architectural firms; and

3. It embodies the distinctive characteristics of a kind and type of domestically scaled and detailed institutional building which was in favor of North Carolina College, hospitals and similar institutions until growth in numbers and changes in codes required a very different kind of institutional building.

Dr. Brown indicated she was present to ask that the Council set a hearing to consider this designation. Ms. Block questioned if the building is in very bad condition and if it isn't the worst one on campus. Mr. Benton indicated this building is not occupied by the Methodist Home and has not been for a number of years. He indicated our assessments indicated that this is in deteriorating condition. Ms. Block stated she did not feel it has that much value in church history and we still do not have the barn on St. Mary's in shape. She indicated she loves historic building and is delighted with what the State has done with restoring various old office buildings.

Ms. Block requested that this item be referred to the Public Works Committee for study. Without objection the item was referred to the Public Works Committee.

REPORT AND RECOMMENDATION OF THE HUMAN RESOURCES AND HUMAN RELATIONS A ADVISORY COMMITTEE

***HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - SEMI ANNUAL REPORT - RECEIVED

Dennis Gabriel, new chairman of the Committee, indicated he would like to commend Roland Gammon, the previous Chairman, for all the work he has done this past year. He indicated, in regard to the ordinance relating to emergency shelters, they had a committee that met for nine months to structure the ordinance that has been referred to the Law and Finance Committee. He indicated the Law and Finance Committee noted there were items that were not clear to them and the Human Resources and Relations Committee had to relook at that ordinance. He indicated they had a valuable meeting with the City Attorney and will be ready on May 28 to present that amended ordinance to the Law and Finance Committee. He explained they will be going back to the radius requirements in that ordinance. He then presented the committees recommendation on Human Service Agency Funding for the 85-86 Budget year. He noted the Committee has prepared recommendations based primarily upon the magnitude and severity of the need to be addressed by the agencies. He noted this review and recommendation is in response to council action of April 3, 1984. He noted the Committee recommends Human Services Funding in the amount of $280,500. He indicated on the handout they had shown the priority ranking for funding and recommended amounts. He noted in the event there is not $280,500 of the revenue sharing allocation for Human Services Funding it is recommend that the agencies be funded in priority order at the recommend amount up to the total amount available for Human Services Funding. Mr. Gabriel indicated he had received a request from the City Manager to look at the shelters for the street people and as we are preparing for the winter of 85/86 the Committee is proposing to get the shelter people together this summer and get actual counts on the number of beds and ways to coordinate referrals. He indicated the Council would be invited to that meeting. He indicated they are setting the agenda for what they would like to take on this year and once they get the Shelter Ordinance into the Law and Finance Committee they would have done their best job on that and further the negotiations and actions would be up to the Council. He indicated they have been talking with the Economic Groundtable about the possibility of looking at economic and housing development issues of the City of Raleigh relating to better use of target groups. He indicated they are looking at the issue of poverty housing in the City of Raleigh and we have not met some of these needs. He indicated some of the Baptist Churches have gotten together to review the possibility of building housing in the City of Raleigh for those living in poverty. He indicated they are a Committee responding to City Councils requests and urged the Council to utilize them. He indicated on behalf of the rest of the committee he would like to indicate to the Council that they appreciate their existence and that the Council allows them to advise in this capacity. He indicated they have been basically dealing with the emergency shelter issues to this point. Mayor Upchurch commended the group noting it does have enormous tasks and felt the idea of meeting this summer is a good idea before the winter approaches.

Ms. Block indicated there is a proposed text change to be heard at the zoning hearing on Thursday evening on increasing the number of people allowed in the shelter run by Urban Ministries. She questioned if the Human Resources and Human Relations Advisory Committee would recommend approval of this ordinance. Mr. Gabriel indicated the shelter limits falls within the ordinance they are recommending. He indicated if the Council passes the Urban Ministries ordinance it will not be outside of the ordinance being recommended by them as they are recommending an even higher ceiling. He supported the adoption of the ordinance to be heard Thursday evening indicating once Urban Ministries ordinance is passed he felt the Council should take a real look at their ordinance that they have been working on for emergency shelters with the same kind of enthusiasm.

Ms. Babb indicated it is a delight to sit at the Council table and get this kind of report and this group has really come alive in the last 1 1/2 years and indicated she is pleased they are there. She indicated their initiative, creativity and push is appreciated.

This item was received as information.

REPORT AND RECOMMENDATION OF THE CITY
INTERGOVERNMENTAL LIAISON COMMITTEE

***CLEAN COMMUNITY PROGRAM - REMOVED FROM AGENDA

Reverend Calloway reported the City has indorsed the Clean Community Program and has requested that it be funded in the upcoming budget. The City Intergovernmental Liaison Committee has requested the County to place this on their agenda for June 6 to discuss the possibility of the County wide program.

Reverend Calloway moved that the item be moved from the agenda. His motion was seconded by Mr. Walters, unanimously passed. The Mayor ruled the motion adopted.

Ms. Cates indicated she also supports continued measures that we are now taking to prevent litter in the City of Raleigh.

***SWIFT CREEK - REQUEST TO EXTEND ETJ - HELD IN INTERGOVERNMENTAL LIAISONCOMMITTEE

Reverend Calloway indicated the agenda included a recommendation to deny this request however, he would like this item held in the Committee for further study. Without objection the item was held in the Intergovernmental Liaison Committee.

REPORT AND RECOMMENDATION OF THE TELECOMMUNICATIONS COMMISSION

***TELECOMMUNICATIONS COMMISSION - ANNUAL REPORT - RECEIVED - PROFORMA REFERRED TO ADMINISTRATION

Joan Baron, Chairman of the Telecommunications Commission, indicated the commission had completed by laws which were approved by the Council and adopted a set of rules and regulations. They prepared for the access program by establishing initial policies for operation of the studio, finalizing the equipment list and improving a budget for 1985 - 86 Access Operation. The Commission held a City Wide contest to design an access logo and the winner was Edward Roberts, a student at Enloe High School. The Budget Committee reviewed ATC's first annual audit report and found "it" in order". Franchise fees paid to the City in the past year exceed $300,000. The Commission dealt with the franchisee, ATC/Cablevision, on three key issues: the phone system, rate changes and construction deadlines. Complaints about phones have decreased since ATC/Cablevision increased incoming phone lines, hired and trained new staff. Following discussions about rate changes announced for November 1st, the Cable Company instituted only premium channel rate increases and began a converter refund program. The Commission recommended a $7,000 fine for Cablevision's failure to complete Zone 3 on time. Shortly there- after Zone 3 was completed. Zone 4, due for completion on June 21st, appears to be on time and construction is already underway on Zone 5. She indicated the Commission in its quest for continued self education has set a June 17 workshop on "First Amendment" issues. In addition to hearing from nationally known experts, the Commission has invited the Council, staff and officials from Research Triangle Agencies to exchange experiences and concerns. In the immediate future Ms. Baron indicated the commission will continue planning and preparing for the opening of the access studio and monitor changes resulting from the 1984 Cable Legislation. Their Budget Committee has scheduled regular quarterly meetings with ATC to review franchise fee payments and look at all aspects of the financial picture. She indicated throughout the past year they have received support and assistance from Cable Administrator Bob Thomas and staff secretary Debbie Ellis. During the year Venita Peyton was hired to be access coordinator and Paul Proctor as cable engineer and the commission looked forward to continuing the productive relationship with the entire cable staff. She indicated she was also present today to present the Commissions proposed 85-86 budget and included are funds that will continue to make it possible for the 15 member commission to become better informed about cable issues - either through travel or bringing in experts. The major component of the budget is funds to create public awareness about access. With close to $1,000,000 being invested in the public access studio and programming the Commission felt it is essential to carry out activities that will inform the public about the access program and promote its activities. Members of the council received a complete annual report as approved by the commission and copies of the access policies and rules and regulations. Ms. Baron introduced John Cameron, Budget Committee

Chairman. She commended Karen Garr who was acting chairman for quite sometime noting she did a excellent job. She indicated the Telecommunications Commission meets the 4th Wednesday of each month in the Council Chamber and these are open meetings with opportunity for public concern.

Mayor Upchurch indicated the report from the Commission would be received. He further requested administration to review the financial reports to determine how Cablevision is performing according to the proforma submitted when the franchise was awarded. He indicated this would be reported to the Council and once this information is supplied it will be furnished to the Telecommunications Commission to analyze. He suggested that administration look at the actual figures compared to the proforma prepared at franchise time.

Ms. Babb moved that the Mayor's recommendation be approved. Her motion was seconded by Ms. Cates, unanimously passed. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

***SURPLUS PROPERTY - 1500 BLOCK OF BATTERY DRIVE - SALE AUTHORIZED

Mr. Walters reported that the Real Estate Committee recommends that the City owned surplus lot containing 2,790 square feet in the 1500 block of Battery Drive be authorized for sale at a minimum bid of $1,000 and on behalf of the Committee so moved. His motion was seconded by Mr. Keller with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

***CONDEMNATION - 312 HILL STREET - RESOLUTION ADOPTED

Mr. Walters reported that the Real Estate Committee recommends that the administration recommendation calling for a resolution of condemnation to clear title of property at 312 Hill Street be adopted - Council has approved a reuse value of $7,000, and on behalf of the Committee so moved. His motion was seconded by Mr. Keller with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

***SURPLUS PROPERTIES - 112 AND 116 SOUTH HAYWOOD STREET - OFFER TO PURCHASE VALUES APPROVED

Mr. Walters reported that the Real Estate Committee recommends that the administrations' recommendation relating to the offer to purchase values on the following properties be approved:

1. 112 South Haywood Street for $38,500

2. 116 South Haywood Street for $35,000

Mr. Walters moved approval of the recommendation. His motion was seconded by Mr. Keller with a roll call vote resulting in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE WORK SESSION

***LEGISLATIVE PROGRAM UPDATE - REMOVED FROM AGENDA

Mayor Upchurch reported that the Council received an update on the City of Raleigh's legislative program as well as State wide bills of interest to the City and it was agreed that the item be removed from the agenda with no action taken. It is understood that the City Attorney will keep the Council advised on the status of the "Tree Ordinance". Mayor Upchurch moved that the work session recommendation be upheld. His motion was seconded by Mr. Congleton, unanimously passed. The Mayor ruled the motion adopted.

***ECONOMIC ROUND TABLE UPDATE - REMOVED FROM AGENDA

Mayor Upchurch indicated the Committee received an update on the work of the Economic Round Table and removed the item from the agenda with no action taken except to express appreciation for the work of the Round Table and an expression of looking forward to the continued good work. Mayor Upchurch moved that the recommendation of the work session be upheld. His motion was seconded by Mr. Congleton, unanimously passed. The Mayor ruled the motion adopted.

***WORK SESSION AGENDAS - STATUS REPORT ON COMMITTEES TO BE ADDED

Mayor Upchurch indicated administration was asked to, as time permits, schedule on work session agendas the receipt of status reports on committees on which City Council members act as liaison. Mayor Upchurch moved that the work session recommendation be upheld. His motion was seconded by Mr. Congleton, unanimously passed. The Mayor ruled the motion adopted.

***ANNEXATION - BRIER CREEK - STAFF AUTHORIZED TO PROCEED

Mayor Upchurch reported the Council received a report from administration on the Brier Creek annexation petition. It is recommended that the staff be authorized to move ahead and work with the State and interested third parties to develop plans for a Memorandum of Agreement to adequately protect and give buffering around Umstead Park. Mayor Upchurch moved that the work session recommendation be upheld. His motion was seconded by Mr. Congleton, unanimously passed. The Mayor ruled the motion adopted.

Mayor Upchurch indicated the Council also recommended that staff begin the process of bringing the area between Umstead Park and US 70 into the City of Raleigh's ETJ and direct the Planning Department to get started, as a special project, on planning for this entire area. Mayor Upchurch moved that the recommendation of the work session be upheld. His motion was seconded by Mr. Congleton, unanimously passed. The Mayor ruled the motion adopted.

***CULTURAL ARTS ACTION PLAN - REFERRED TO WORK SESSION AND ARTS COMMISSION

City Manager Benton reported on November 20, 1984 the Council approved a contract with C. W. Shaver & Company to develop a cultural art action plan. He indicated this firm has talked to many people and have worked closely with the Arts Commission to provide liason with local groups. Mr. Wray has been involved with the group and Ms. Lorber has been serving as project officer. He explained Mr. Shaver was present to present the report to the Council.

Mr. Shaver indicated he felt the City of Raleigh is very well positioned to implement a cultural arts action plan as there is clear community commitment that cultural institutions play a critical role in the life and attractiveness of the City. He indicated however, there are a number of major funding and facilities issues which must be addressed if the cultural life of Raleigh is to continue to meet the needs of the citizens and surrounding Wake County. He indicated this study deals primarily with the needs of the myriad performing arts institutions in the City. He then reviewed the findings and referred to a assessments of Cultural Arts Programs. He indicated in a historical overview of existing arts program suggests that, with the exception of two or three organizations, Arts Programming has been frustrated by lack of facilities and funds however, the majority of local agencies have achieved modest levels of growth due to highly active residents. He indicated there is community interest and the demand for these groups in the next five to ten years will grow in

direct realtion to the facilities and funding with which they are provided. He felt the depth of the variety of existing arts programming is more than adequate. He then referred to the many groups that exist noting they are primarily nonprofessional with small budgets and fragmented fund raising and performance space is scarce. He noted the absence of adequate facilities is a negative affect of not promoting the development of larger, regionally based organizations in the Raleigh area with the exception of the Museum of Art, North Carolina Symphony and the Carolina Regional Theater which are state wide. He indicated these organizations will be unable to create the type of magnet which would bring the residents downtown and even less likely to attract people to move to Wake County. He indicated cultural arts programming only addresses special populations to a limited degree and lack of proper facilities inhibits local presenters from developing programs for children and other special constituencies. He indicated presently the community has access to very small selection of professional first class entertainment and the North Carolina Symphony and Carolina Regional Theater rehearse and perform in Raleigh and both are organizations that are State wide touring companies. He indicated presenters find it difficult to import a great variety of entertainment which a community the size of Raleigh would ordinarily be able to support due to inflexible performance facilities. He indicated Raleigh based groups have had no major involvement or support from the private sector primarily due to the fact that the City has provided both leadership and funding. He noted there is presently a wide and serious interest in the business and community leadership to define ways to strengthen the private sector funding for the arts and there is an opportunity to develop significant support for both a major capitol building program and a broad based united arts fund raising program for ongoing operating costs. He then reviewed their assessments of arts facilities noting there is a common perception that a great variety of arts facilities exist for the use and benefit of the Raleigh community however, their analysis indicates that a great many of these facilities are on college and university campuses, their institutional mandates do not allow significant access for community groups. He indicated with the exception of two visual arts spaces currently being renovated, Memorial Auditorium is the only major art facility that is community oriented and the only major facility for the performing arts. He indicated Memorial Auditorium only does not provide the variety of performance, rehearsal and support facilities necessary for needs of large and small professional and nonprofessional companies and the exterior of Memorial Auditorium which is "handsome" betrays an interior which is lacking in the ambience that would be appropriate to a major musical facility and which is acoustically and technically inadequate. He noted, in summary, the auditorium does not offer the type of entertainment experience which would excite people to return again and again. He noted there is a need for new performing arts facilities in downtown Raleigh which must house a variety of theaters and serve many functions related to the arts. He indicated there does not appear to be any existing buildings in the downtown Raleigh area other than Memorial Auditorium which would be desirable for adaptive reuse for the performing arts. He indicated Memorial Auditorium could continue to function as a large theater but new facilities should be constructed to have two theaters with proposed capacities of 250 and 1,400. He indicated these facilities should provide state of the art technical and support facilities as well as appropriate amenities for patrons. He then reviewed the recommendations which included public policies, programming for the next five years to ten years, participation of private art organizations and downtown performing arts center. (A copy of the action plan is on file in the clerks office.) Allen Moore, representing Calloway, Johnson and Moore Architect presented a site plan for Capitol City Arts Center which included a backstage addition to Memorial Auditorium, 1,400 seat performance space, 250 seat performance space and lobbies, offices and common space.

Ms. Cates indicated this plan looks good however, it appears this would be taking up a lot of parking and suggested the possibility of shuttles from the parking deck to the auditorium area. Mr. Benton indicated this is the first time this has been presented and the Arts Commission would be an appropriate referral as well as the upcoming work session. He indicated at the work session the Council could receive comments and suggestions from the Arts Commission. Mr. Benton indicated administration has an excellent working relationship with the consultants and administration is excited about what they have done.

Without objection the item was referred to the Arts Commission and Work Session.

***CONDITIONAL USE ZONING DISTRICT - PROPOSED CITY ORDINANCE - JUNE 18, 1985 HEARING SCHEDULED

Following approval by the General Assembly of the local bill enabling the City to use conditional use zoning categories, the staff has developed a proposed ordinance. A copy is included in the Agenda packet.

A review of the proposal will be made at the Council Meeting. The next step would be to set a public hearing.

Recommendation: Because of the special nature of this proposal, it is recommended that the Council approve a public hearing on this text change ordinance for June 18, 1985.

Mr. Walters moved that the recommendation of the Manager be approved. His motion was seconded by Mr. Congleton, unanimously passed. The Mayor ruled the motion adopted.

***FALLS LAKE SECONDARY WATERSHED PROTECTION AREA - SEWER EXTENSION POLICY - APPROVED

It is necessary to adopt a policy concerning the extension of sanitary sewer into the secondary watershed area. Included in the Agenda packet is a proposed policy.

This policy sets forth the minimum criteria for design of such extensions which will all require the use of pump stations. Under this policy, water and sewer extensions would be considered together and both must be extended if either are proposed for extension.

Recommendation: That the Council approve the policy on extending utilities in secondary watershed protection areas.

Ms. Block moved approval of the policy. Her motion was seconded by Ms. Cates, unanimously passed. The Mayor ruled the motion adopted.

***WATER ALLOCATION REQUEST - TOWN OF APEX - APPROVED WITH CONDITIONS

The Town of Apex is experiencing problems with the level of their water supply reservoir. The town is currently allocated 200,000 gallons of water from the Raleigh system. A request has been received from Apex for a "temporary" allocation for 500,000 gallons per day. This is an unusual request; however, the City should respond to the need for interim relief.

If the Council approves the request, it would be appropriate to include the following conditions:

1. Such allocation would expire on October 15, 1985;

2. Usage charges would commence when the town's usage exceeded their current allocation of 200,000 gpd;

3. Usage charges would be in accord with prevailing rates with the exception that the town would not be required to make the retroactive capital facilities payement;

4. The town would pay actual labor and equipment costs for the City of Raleigh to read the Apex meter on a weekly basis;

5. Concurrence from the Town of Cary for the temporary allocation.

Mr. Benton explained Apex is working on the possibility of a permanent request and reiterated this is a temporary request. Ms. Block expressed concern with the temporary aspect. She indicated since we know all the cities are working toward more water and doing this all the time because of their growth it would be a mistake for us not to have a users charge. Ms. Block moved approval of the allocation for 500,000 gallons per day under our current user charges which include the Capitol Facilities Payment. Her motion was seconded by Mayor Upchurch.

Mr. Benton explained the rate structure for municipal contract customers and capital charge for expanding capacity is divided into two elements. He indicated the first element is the capital payment for what they would have paid had they started with the system. He indicted that is in our contract provision and if there is a request for permanent expansion they have to make retroactive payments which is a repayment had they started on day one in 1984. He indicated Ms. Block is suggesting that they be required to make retroactive payments for the capital facility charge and they pay the prevailing rate.

Ms. Block indicated her motion is in accordance with the study that was made previously and the City invested in the expansion of the facility to accomodate our fellow cities who need water and that should not be borne by the residents of the City of Raleigh for water used outside the City of Raleigh. Mr. Walters indicated if we could strike the word temporary he could vote for Ms. Blocks motion but he did not see anything wrong with the City Manager's recommendation and thought it would be asking too much for this to be retroactive since it is temporary. She indicated if we allow these temporary requests it would be setting a precedent and all requests from now on would be temporary. She indicated the City paid an expert to tell us how this should be handled.

In response to questioning Mr. Benton indicated the dollars and cents are approximate. He indicated the capitol facility charge for expanding capacity began in 1984/85 and is $95,000 for a million gallon capacity. He indicated if this was permanent they would have to make a lump sum payment of $47,500 plus construction interest costs and pay monthly capital charges which would be standard rate plus capitol facility charge. He indicated we do not currently have a temporary allocation plan and hopes this does not become reccurring. He indicated Apex has a very precarious treatment capacity and did expect them to make a permanent request in the near future. Mr. Walters indicated this temporary request would expire October 15. Ms. Block indicated there should be additional fees as the City of Raleigh has paid for that facility. She indicated if we had an additional fee she might consider this; however, the policy was set.

Following discussion Mr. Walters made a substitute motion that the Managers recommendation be upheld. His motion was seconded by Mr. Congleton and a vote take with

results as follows: ayes Ms. Cates, Mr. Congleton, Ms. Babb, Reverend Calloway, Mr. Walters - Noes, Ms. Block, Mr. Keller, Mayor Upchurch.

The Mayor ruled the substitute motion to uphold the Managers recommendation adopted.

***STREET CLOSING - WOODS REAM DRIVE - REFERRED TO LAW AND FINANCE COMMITTEE

Transportation Director Blackburn indicated a petition was received by the Council of residents of North Trail Subdivision requesting the closing of Woods Ream Drive at Six Forks Road to prevent through traffic from using Woods Ream Drive. He indicated detailed traffic counts show that 2,300 motorists use the street each day and it is estimated that only 300 of these live within the North Trail Subdivision. The through traffic is equally divided by direction during both the a.m. and p.m. commuting periods and continues to use the street at lower levels during midday and evening hours. He noted the 2,300 daily volume is equivalent to rather a low collector street volume and such volumes are exceeded on purely residential streets around the City. He indicated Woods Ream; however, is 27 feet wide and was not intended as a collector street. He noted that much of the west/north bound traffic using Woods Ream originates in the Shanda Drive/North Bend Drive area and would naturally use the proposed Spring Forest/Lynn Road Connector and materially reduce the westbound through traffic on Woods Ream. Eastbound traffic could be readily precluded from using Woods Ream by the construction of a median divider on Six Forks Road when it is widened and in the meantime the left turn from Six Forks onto Woods Ream could be prohibited. He noted a planned collector street (Westbrook Road and Brookhollow Drive) generally parallel to Woods Ream Drive may eventually lighten the traffic on Woods Ream. Westbrook and Brookhollow are intended to form a collector from the North Haven area to Six Forks Road however, a missing section of Westbrook does not yet allow that function to take place. He reviewed two alternative approaches for addressing the through traffic problem on Woods Ream:

1. Prohibit left turns from southbound Six Forks Road onto Woods Ream through the use of traffic signs and police enforcement (a median would be constructed when Six Forks Road is widened). This would potentially eliminate half of the through traffic. The remaining through traffic, westbound/-northbound, would be reevaluated following construction of the Spring Forest/Lynn Road Connector and the missing section of Westbrook Road.

2. Close Woods Ream Drive by constructing what would amount to a substandard T type turnaround within the right-of-way of Woods Ream at Six Forks Road as indicated on a sketch provided to the Council. This would eliminate all through traffic in the neighborhood.

Mr. Blackburn indicated administration recommends Alternative 1 be adopted for the following reasons:

1. It can be implemented within ten days following Council action.

2. It will eliminate approximately 50% of the problem depending upon the level and the effectiveness of police enforcement. Such enforcement will be difficult and unpopular.

3. Alternate 1 and later construction of the Spring Forest/ Lynn Connector and Westbrook section may essentially solve the remaining problem.

4. Alternate 1 restricts through traffic, yet allows greater freedom of access for residents, public service vehicles and emergency vehicles.

5. Alternate 1 requires insignificant expenditures.

6. Alternative 2 can be implemented if necessary at a later date.

Following brief discussion Mr. Congleton moved that this item be referred to the Law and Finance Committee. His motion was seconded by Ms. Babb, unanimously passed. The Mayor ruled the motion adopted.

***NEUSE WASTEWATER TREATMENT PLANT - ODOR - INFORMATION RECEIVED - FURTHER REPORTS REQUESTED

Council members received a memo relating to the odor complaint at the Neuse River Wastewater Treatment Plant. It was noted in the memo that during the last week heavy dosages of No. 98 deodorant were added which is a masking agent in the sludge for the odor control. It was indicated in addition all of the sludge has been transferred into one of our storage tanks so that we can maximize the amount of air to the sludge to maintain aerobic conditions. The memo indicated Hazen and Sawyer in conjunction with the City's contractor on site have resolved the pump problem with the sludge loading station and having that station operational means that we can load directly into our Terra Gators for land disposal which will minimize the spread of odors in the area. By the end of this week Crain and Denbo should have a chlorine line tied into our sludge line so that we can further oxidize the sludge with a significant dosage. Another step in which we have implemented in the past week is the purifaxing of the sludge which basically is another chlorine treatment to better stabilize it. At the present time there are approximately 0.5 million gallons of the old sludge which has been the cause of the odor problems which is now in a stable state and will be incorporated into the soil over the next four weeks. Within two weeks the wheat

crop can be harvested and within the following two weeks we will have applied sludge over the harvested acreage. The crop must be harvested before additional sludge application in order to comply with the specific requirements of our NCDEM land application permit and by the time this amount of land application is completed the remaining volume of the stored winter sludge will have been disposed of as the plant will be in a normal operating state. The memo indicated as a part of the Phase II construction at the plant we will be making additional airline connections to our sludge storage tanks. By making these tie in we will be able to feed more air to the sludge while it is being stored during the winter months and we should be able to keep the stored sludge in an aerobic condition. Administration will be going to Greensboro to inspect the dome covers and air scrubbers which they have incorporated over portion of their storage tanks. This will be evaluated in an effort to offer an even more reliable control of odors.

Mr. Benton indicated Mr. Simmons has been talking with several of the neighbors in the area and the odor problem is less than before. He indicated we are trying to maintain a liason with them so they will now what we will be doing.

Mayor Upchurch requested that the Manager keep the Council posted on the progress at each Council meeting.

***YADKIN DRIVE BRIDGE REPLACEMENT - COLUMBUS CONTRACTORS BID APPROVED SUBJECT TO APPROVAL BY STATE - BUDGET AMENDMENT AND TRANSFER AUTHORIZED

The Yadkin Drive bridge is part of the Federal-State-City Bridge Rehabilitation Program. An agreement has been executed which provides Federal funding up to $165,000.

Bids have been received and are listed below:

Columbus Contractors	$220,260
English Construction Co.	351,970
S. T. Wooten Construction Co.	240,300

Recommendation:

That the City Council approve the low bid of Columbus Contractors subject to approval by the N.C. Department of Transportation, and further approve the setting up of the appropriate budget accounts to reflect income of $165,000 from the State and City funding of $54,359 as follows:

(1) Budget Amendment:

Revenue (Income):

32-1-0050-0101	FHWA Yadkin Bridge	$165,000

Expenditure:

32-2-5000-0101	"A" Yadkin Bridge	$165,000

(2) Transfer:

From: 32-2-5000-0152	Yadkin Bridge	$ 54,359
To: 32-2-5000-0101	"A" Yadkin Bridge	$ 54,359

Mr. Benton indicated Administration took an addendum to this as the alternate would provide for significant structural replacement. He indicated Administration is not recommending now that this addendum be accepted. He indicated the item under discussion is only the base bid for repairs and hopefully we can avoid the alternate or significant structural repairs.

Mr. Walters moved that the low bid of Columbus Contractors be approved subject to approval by the North Carolina Department of Transportation and the setting up of the appropriate budget accounts as indicated. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The mayor ruled the motion adopted.

ORDINANCE NO. (1985) 569 TF 22

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statues of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 40-201510-0100	Civic Center Modifications	$ 957.00
To 40-2-1510-0106	Civic Center Additions-HVAC	957.00
Purpose: Civic Center Change Order - Watco Corporation.		
From 01-2-1040-0001	Contingency	$ 3,065.68
To 01-2-1040-0289	City Code	3,065.68
Purpose: To provide funds to supplement account to pay for Supplement No. 14.		
From 01-2-1080-0217	Fuel for Heat	$ 10,500.00
To 01-2-1080-0219	Light & Power	10,500.00
Purpose: To provide funds for Light & Power Service for remainder of FY.		
From 01-2-1080-0224	Bldg./Maint. Repairs	$ 3,500.00
To 01-2-1080-0921	Water & Sewer Reimb.	3,500.00
Purpose: To provide funds for water & sewer service for balance of fiscal year.		
From 43-2-3050-0200	ED Planned Income Program	$ 22,000.00
To 43-2-3300-0100	Incentive Housing	22,000.00
Purpose: To fund Mark Street Duplex Project.		
From 01-2-4110-0260	Office Supplies	$ 1,000.00
From 01-2-4130-0600	Equipment Replacement	1,500.00
To 01-2-4130-0225	Buildings & Structures	2,500.00
Purpose: To provide funds for remainder of FY.		
From 01-2-1220-0260	Office & Other Supplies	$ 1,000.00
To 01-2-1220-0213	Registration & Sub.	300.00
To 01-2-1220-0231	Travel	700.00
Purpose: Funds for travel and registration for conferences for staff training and development.		
From 06-2-7030-0258	Chemicals	$ 61,000.00
To 06-2-7030-0100	Salaries	61,000.00
Purpose: To provide funds for remainder of FY.		
From 06-2-7040-0705	Hydrants	$ 38,000.00
From 06-2-7040-0715	Materials	16,000.00
To 06-2-7040-0100	Salaries	54,000.00
Purpose: Same as above.		
From 06-2-7080-0702	Water Serv. Pipe	$ 20,000.00
From 06-2-7080-0703	Meter Setters	20,000.00
From 06-2-7080-0706	Meter & Boxes	84,000.00
To 06-2-7080-0100	Salaries	124,000.00
Purpose: Funds for remainder of FY.		
From 06-2-7090-0259	Barricades	$ 10,000.00
From 06-2-7090-0263	Small Tools	9,000.00
To 06-2-7090-0100	Salaries	19,000.00
Purpose: Same as above.		
From 06-2-7050-0258	Chemicals	$ 10,000.00
To 06-2-7050-0230	Vehicle M&O	10,000.00
Purpose: Same as above.		
From 06-2-7080-0702	Water Pipe	$ 12,000.00
To 06-2-7080-0230	Vehicle M&O	12,000.00
Purpose: Same as above.		
From 06-2-7030-0258	Chemicals	$ 13,000.00
To 06-2-7030-0217	Fuel for Heat	13,000.00
Purpose: Same as above.		
From 08-2-0000-0001	Council Reserve	$ 2,000.00
To 32-2-5045-0103	Spring Forest/Lynn R/W	2,000.00
Purpose: To supplement account and provide funds to acquire final parcel of r/w.		
From 34-2-3805-0102	Municipal Block "B"	$ 1,064.00
To 34-2-3810-0102	Parking Deck "B"	1,064.00
Purpose: Final payment to architect-engineer for Municipal Parking Deck.		
From 32-2-5000-0152	Yadkin Bridge	$ 54,359.00
To 32-2-5000-0101	"A" Yadkin Bridge	54,359.00
Purpose: City funding for Bridge Improvements.		

Adopted: 5/21/85

ORDINANCE NO. 1985 - 569

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the 1984/85 Budget Ordinance be amended as follows to allow acceptance of funds to enhance appearance of Nash Square. The funds are contributed by businesses which front on Nash Square.

INCREASE REVENUE
37-1-0070-0200 Misc. Income $1,460.00

INCREASE EXPENDITURE
37-2-3000-0178 Nash Square $1,460.00

Section 2. That the 1984/85 Budget Ordinance be amended as follows to set up appropriate budget accounts to reflect income from the State and City funding of the Yadkin Bridge project and to award contract to Columbus Contractors.

INCREASE REVENUE
32-1-0050-0101 FHWA Yadkin Bridge $165,000.

INCREASE EXPENDITURE
32-2-5000-0101 "A" Yadkin Bridge 165,000.

Adopted: May 21, 1985

***CIVIC CENTER PLAZA BIDS - REJECTED

City Manager Benton submitted a letter from A. Wayne McBride, Jr., Lewis Clarke Associates, which indicated the bids were received on May 15, 1985 for the construction of the Civic Center Plaza. Council members were provided with the bid tabulation forms for general construction and landscaping. The general construction bid is almost twice the original estimate and the landscape bids range from $80,000 to $150,000. Mr. Benton indicated Administration is recommending that the bids be rejected and a new bid date be established. He indicated we are working on a schedule to coordinate this with completion of the York Hannover project.

Following discussion Mr. Congleton moved that the bids be rejected as recommended. His motion was seconded by Ms. Babb, unanimously passed. The Mayor ruled the motion adopted.

REPORT OF CITY ATTORNEY

***LITTER BILL - SUPPORT INDORSED

City Attorney McCormick indicated a bill has been introduced in the Senate relating to litter. The bill stipulates if you see someone in a car littering and you get their license number, they can be prosecuted on the presumption that the registered owner of the car was driving. He indicated if the Council endorses this he could contact the sponsor and our delegation and let them know the Council would like to support this bill.

Ms. Block moved that the Attorney express the Councils support of this bill. Her motion was seconded by Ms. Cates, unanimously passed. The Mayor ruled the motion adopted.

***LOCAL GOVERNMENT FINANCE - RESOLUTION ENDORSED

City Attorney McCormick referred to a resolution to authorize the Legislative Research Commission to study the entire field of local government finance. He indicated the resolution specifies at least one person who is going to serve should be appointed by the North Carolina League of Municipalities. He indicated he would like to bring this to the Councils attention and determine if there was interest in Raleigh of an individual serving. The Council could lobby with the league offices. Ms. Block indicated she would like to be nominated for such a Committee.

Without objection the Council endorsed the resolution.

REPORT OF MAYOR AND COUNCIL MEMBERS

***PHOSPHATE BILL - REPORT RECEIVED

Mayor Upchurch indicated tomorrow afternoon there will be a meeting held on the Phosphate Bill and he would appear in support of such a bill. This was received as information.

***DOWNTOWN COMMITTEE - MEETING RESCHEDULED TO MAY 30, 1985

Mayor Upchurch indicated the Downtown Committee Meeting scheduled to meet this Thursday should be rescheduled to meet on May 30, 1985 at 4:00 p.m. Without objection the meeting was rescheduled.

***DOWNTOWN EAST ADVISORY BOARD - APPOINTMENT OF RWCA MEMBER - REFERRED TO DOWNTOWN COMMITTEE

Mayor Upchurch indicated he would like to refer to the Downtown Committee an item relating to the appointment of an RWCA member to the Downtown East Redevelopment Committee. He indicated the RWCA Downtown Redevelopment Committee met with him and staff and requested that a member of their organization be placed on the Advisory Board. Without objection this item was referred to the Downtown Committee.

***PARK - ENDORSEMENT OF ACQUISITION OF LOTS 2, 3, AND 4 APPROVED - TO BE PRESENTED TO WAKE COUNTY BOARD OF COMMISSIONERS

Mr. Walters presented a resolution indorsing the acquisition of Lots 2, 3, and 4 as shown on the Methodist Orphanage Property Map by the Wake County Board of Commissioners as additional park space that can serve the Broughton High School needs and the community needs. The resolution also indicated that the City in conjuction with the Wake County School should present this request to the Wake County Board of Commissioners.

Mr. Walters indicated there will be a meeting next Tuesday and if this is approved he would like to present this resolution.

Following brief discussion Mr. Walters moved approval of the resolution and the presentation to the Board of Commissioners. His motion was seconded by Mr. Congleton, unanimously passed. The Mayor ruled the motion adopted.

RESOLUTION 1985 - 817

WHEREAS, the availability of open space is very limited in the downtown and areas adjacent to Broughton High School; and,

WHEREAS, priority needs exist for additional land for play areas to serve the general public and the students of Broughton High School; and,

WHEREAS, the City Council of Raleigh and the Wake County School Board have worked cooperatively to address these problems.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL that the City:

1. Endorse the acquisition of Lots 2, 3, and 4 as shown on the Methodist Orphanage Property Map by the Wake County Board of Commissioners as additional park space that could serve the Broughton High School needs and the community needs.

2. That the City in conjunction with the Wake County School Board present this request to the Wake County Board of Commissioners.

Adopted 5/21/85

***ARTS TOGETHER INCORPORATED - REFERRED TO ADMINISTRATION

Mr. Walters indicated Art Together Incorporated is providing a school for the arts in Raleigh through 28 classes per week and are a successful self supporting organization and is filling an important need in our community. Arts Together has begun a fund raising effort to renovate the Tucker Carriage House as an Arts Center and school. The project has the support of the housing authority and a bill has been submitted in the General Assembly by Senator Woodard to support this project and other major grants have been applied for. He indicated Arts Together has a well studied plan and they are asking the City of Raleigh to provide a $25,000 grant and $75,000 interest free loan to renovate the Tucker House as their permanent home. They have over $25,000 in hand and the City funding and loan will provide the impetus to other fund raising efforts. He presented a complete proposal for this project to the Manager for his consideration and recommendation to the Council.

Without objection the item was referred to Administration.

***GLASCOCK STREET - POSSIBLE RESURFACING - REFERRED TO ADMINISTRATION

Mr. Walters indicated he would like Administration to look into resurfacing Glascock Street - the section that has been used as a detour as a result of the Wake Forest Road widening. Without objection this item was referred to Administration.

***NORTH HILLS DRIVE - CENTER LINES - REFERRED TO ADMINISTRATION

Mr. Congleton indicated the center lines have not been drawn on North Hills Drive which is creating problems. He requested that Administration look into the center lines on North Hills Drive.

***CEDAR HILLS PARK - OPENING OF FRISBEE COURSE ANNOUNCED

Mr. Congleton indicated on June 1 the frisbee course at Cedar Hills Park will be dedicated and felt the Council should be there.

***CHURCHES IN RESIDENTIAL DISTRICTS - REFERRED TO PUBLIC WORKS COMMITTEE

Ms. Cates indicated two CAC's have had items on their agenda relating to churches in residential districts. She indicated Wade Avenue CAC recommended that she ask Administration to prepare an ordinance covering churches in residential districts. She indicated Charlotte has such an ordinance and requested that it be referred to Administration to propose an ordinance speaking to the definition of appropriate uses, ratio to parking spaces to seating capacity, landscape standards as it relates to screen or buffer.

Later in the meeting Ms. Babb referred to this item indicating she felt it would be more appropriate for the item to go to a committee rather than asking for Administration to bring back an ordinance before there has been any work by the Council on the ordinance. She questioned what would the ordinance say and there is no consensus from the council. She noted the White Memorial case has brought this up and reiterated it should be referred to Committee and let the Committee work through the issues so it could come up with the key points and bring these back to the Council. Ms. Babb indicated at present she did not have a position on the limitation to be placed on the churches in residential neighborhoods. Ms. Cates indicated she does not have a position either and this has come up at a CAC meeting and she indicated the same question has come up in the Forest Hills area. She indicated at the CAC meeting last night they felt rather than them trying to come up with a text change they would like staff to work on it. She reiterated Charlotte does have such an ordinance and thought this ordinance could be patterned after what Charlotte has done. She indicated Administration suggestions could come to Council and then be sent to the Committee.

Ms. Babb felt it would be much more workable if the item went to a Committee.

Without objection the item was referred to the Public Works Committee.

***STREET CLOSING - ADAMS STREET - AUTHORIZED

Ms. Cates indicated she had received a request for closing of Adams Street from Filmore to the rail road on Sunday afternoon from 3:00 p.m. until 8:00 p.m. Mr. Benton reported administration would recommend approval with the condition that the applicant provide necessary barracades. Mr. Cates moved approval of the closing with the outlined condition and that the fee be waived. Her motion was seconded by Reverend Calloway, unanimously passed. The Mayor ruled the motion adopted.

***CIVIC CENTER - NAME PLATE - REFERRED TO ADMINISTRATION

Reverend Calloway referred to name plates or placques that normally identify public buildings owned by the City and questioned why the Civic Center does not have such a placque. He noted a former City Council member who was instrumental in the Civici Center asked him to raise this question and if the City Council could take retroactive action to see that such a placque is placed on the Civic Center. He requested that administration look into this matter.

Ms. Babb reported at the last meeting of the Civic Center Authority, this issue came up about signing on the Civic Center and they are interested in doing something about that. She suggested leaving this with the Authority as they will be coming forward with a recommendation.

***HOUSE BILL 518 - ANNEXATION LAWS - INFORMATION RECEIVED

Ms. Block indicated in the Legislative Bulletin reference was made to House Bill 518 relating to the annexation procedures and laws. She indicated the City's annexation laws are the best laws and any change to refer annexation to a referendum is not desirable. She suggested that members of Judiciary IV and our delegation be contacted with the Council's oppositions express to House Bill 518.

City Attorney McCormick indicated that has already been done on the Councils behalf.

***MINUTES - MAY 7, 1985 - APPROVED AS PRESENTED

Minutes of the May 7, 1985 Council Meeting were presented. Mr. Congleton moved approval of the minutes as presented. His motion was seconded by Ms. Babb, unanimously passed. The Mayor ruled the motion adopted.

***SALE OF PROPERTY - KELFORD STREET - RESOLUTION AUTHORIZING SALE ADOPTED

The Clerk reported on April 16, 1985 the Council at the recommendation of the Real Estate Committee declared property on Kelford Street surplus and directed it be offered for sale at a minimum bid of $8,000. All the legal procedures have been followed and it is recommended that a resolution authorizing the sale of the property to Dwight Green for $8,000 be adopted.

Mr. Congleton moved adoption of the resolution authorizing the sale of the property as outlined. His motion was seconded by Ms. Babb with a roll call vote resulting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985-818

A RESOLUTION TO AUTHORIZE THE SALE OF CERTAIN REAL ESTATE OWNED BY THE CITY OF RALEIGH.

WHEREAS, The City of Raleigh has acquired certain real property, said property being described more fully as Parcel 658, Tax Overlay 549 on Kelford Street.

WHEREAS, Dwight Green has offered to purchase said property for $8,000; and

WHEREAS, Chapter 160A-266 et. seq., of the North Carolina General Statutes permits the City of Raleigh to sell said property subject to upset bid provisions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the City Council on May 21, 1985, ascertained that all requirements of Chapter 160A-266 et. seq., had been followed in the proposed sale of the above described property.

Section 2. That the City of Raleigh will sell the hereinbefore described property to Dwight Green for the sum of $8,000.

Section 3. That the Mayor be authorized to execute the appropriate documents relating to the sale.

Adopted: 5/21/85

***PRELIMINARY ASSESSMENT ROLLS - ADOPTED - PUBLIC HEARING AUTHORIZED

The Clerk reported following preliminary assessment rols are recommended for adoption which would set a public hearing for June 18, 1985 to consider confirmation:

AR 1020 - Creedmoor Road

AR 1020 A - Creedmoor Road (outside City limits)

Mr. Congleton moved adoption of the resolutions as outlined. His motion was seconded by Ms. Babb and a the roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1985 - 819

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1020

WHEREAS, by Resolution No. 1983-403 adopted by the City Council on November 15, 1983, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed;

PU 1983-16 - Installation of 422 feet of eight-inch sewer main beginning at the southeast corner of 6116 Creedmoor Road, along the east property line of 6104 and 6100 Creedmoor Road and continuing south another 150 feet, and then east 14 feet to an existing manhole in Valley Estates.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $4,892.96.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statues of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
Ural & Mattie Mae H. Garrisom	2	0026862	1	110.5	$1,384.56
Sanford L. Lillie H. Holding	3	0032046	2	138.0	$1,729,14
George & Mae Pearl Snelling	4	0065834	3	142.0	$1,779.26

Cost Per Foot: $12.53

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statues of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1020 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 18th day of June, 1985 at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of aid assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statues of North Carolina.

Adopted: May 21, 1985

RESOLUTION NO. 1985-820

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1020A

WHEREAS, by Resolution No. 1983-403 adopted by the City Council on November 15, 1983, the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statues of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

PU 1983-16 - Installation of 422 feet of eight-inch sewer main beginning at the southeast corner of 6116 Creedmoor Road, along the east property line of 6104 and 6100 Creedmoor Road and continuing south another 150 feet, and then east 14 feet to an existing manhole in Valley Estates.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $179.18.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 120 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is front footage.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
John S. Walton Ruth	1	0074025		14.3	$179.18

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1020A is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 18th day of June, 1985 at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statues of North Carolina.

Adopted May 21, 1985

***ANNEXATION - WESTWOOD SUBDIVISION - CLERK DIRECTED TO CHECK SUFFICIENCY AND SET PUBLIC HEARING

The Clerk reported we have received a petition for the contiguous annexation of Westwood Subdivision and requested that the Council direct the Clerks office to check the sufficiency and, if sufficient, set a public hearing for June 4, 1985.

Mr. Walters moved that the Clerk be directed to check the sufficiency and if sufficient set the public hearing as outlined. His motion was seconded by Mr. Congleton, unanimously passed.
The Mayor ruled the motion adopted.

ADJOURNMENT

There being no further business the meeting adjourned at 5:35 p.m.

Brenda Anderson
Deputy City Clerk

djh8/CC2